

Court No. - 3

Case :- WRIT - C No. - 9165 of 2023

Petitioner :- Vijay Fincon Consultants Pvt. Ltd. Lko.Thru.
Director Sri Vijay Kumar Srivastava

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of
Housing And Urban Planning U.P. Govt. Lko. And Others

Counsel for Petitioner :- Brijesh Kumar Mishra,Rajendra
Kumar Dubey

Counsel for Respondent :- C.S.C.,Ratnesh Chandra

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

1. Heard learned counsel for petitioner, learned Standing Counsel for the State and Sri Shobhit Mohan Shukla, who has filed his Power today on behalf of respondent nos.2 and 3, which is taken on record.

2. Petitioner has approached this Court challenging order dated 25.9.2023 passed by respondent no.3-Prescribed Authority, who is also impleaded in person as respondent no.4 in the present writ petition.

3. Learned counsel for petitioner submits that a bare perusal of operative portion of the order shows that the matter is decided on the basis of a report submitted by the Assistant Engineer and on the basis of the said report, order is passed on 25.9.2023. He further submits that copy of the said report was neither provided to the petitioner nor any opportunity to rebut the same was given. Thus, there is violation of principles of natural justice.

4. Learned counsel for the Lucknow Development Authority could not dispute the said fact from the record of the case.

5. Earlier also, this Court had allowed the writ petition bearing Writ-C No.6771 of 2023 filed by petitioner and set aside the orders dated 25.5.2023 and 13.7.2023 passed against the petitioner on 10.8.2023 on the ground of violation of principles of natural justice. This is the second time when Prescribed Authority has committed the same mistake.

6. In the given facts and circumstances of the case, impugned order dated 25.9.2023 is set aside on the ground of violation of principles of natural justice. The Vice Chairman, Lucknow Development Authority is directed to assign the matter to any

Prescribed Authority other than respondent no.4, who shall give a proper opportunity of hearing to the petitioner after providing a copy of aforesaid report dated 23.9.2023 or any other document, on which the Prescribed Authority desires to rely upon, but is not provided to the petitioner. The matter may be decided by the Prescribed Authority expeditiously in accordance with law.

7. The writ petition stands *allowed*.

[Manish Kumar,J.] [Vivek Chaudhary,J.]

Order Date :- 18.10.2023

Sachin