

**Court No. - 2**

**Case :-** WRIT - C No. - 5339 of 2023

**Petitioner :-** Shrigeet Infra Developers Pvt. Ltd. Thru. Director Subodh Vikram Singh, Lucknow

**Respondent :-** State Of U.P. Thru. Addl. Chief Secy. Urban Development Lucknow And Another

**Counsel for Petitioner :-** Ajay Kishor Pandey, Ajay Kishor Pandey, Sudeep Kumar, Tanveer Ahmad Lari

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

**Hon'ble Alok Mathur, J.**

**Hon'ble Arun Kumar Singh Deshwal, J.**

1. Heard Sri Sudeep Kumar along with Sri Ajay Kishore Pandey, learned counsel for petitioner as well as learned Standing Counsel for respondent No. 1 and Sri Ratnesh Chandra, learned counsel for respondent No. 2.

2. It has been submitted by learned counsel for petitioner that a commercial land was purchased by the petitioner from Lucknow Development Authority through an open auction in the year 2016 situated at Sector - I Plot No. 1/41, Vardan Khand, area 1490 sq. meters. The petitioner has deposited Rs. 1,86,25,000/- out of total consideration amount of Rs. 7,45,00,000/- for the said land.

3. As the petitioner was unable to deposit entire consideration for the said land and therefore by means of order dated 30.04.2022, the allotment was cancelled. The petitioner had filed writ petition before this Court challenging the order of cancellation. This Court by means of order dated 08.07.2023 passed in Writ C No. 3656 of 2022 directed the Vice Chairman or any other competent authority of the Lucknow Development Authority to consider the application of the petitioner and decide the same.

4. In pursuance of the directions of this Court dated 08.07.2023, the respondent duly considered his application and set aside the cancellation subject to the petitioner depositing an amount of Rs. 16,19,37,987/-. It seems that petitioner was unable to deposit the entire amount as directed by Lucknow Development Authority, hence another writ petition was filed before this Court being Writ C No. 9093 of 2022 which was disposed on 20.12.2022 directing the petitioner to deposit an amount of Rs. 2 crores within six weeks and 50% of the outstanding amount by 31.03.2023 and the residual amount within three months.

5. It is not disputed that petitioner has deposited Rs. 2 crores within a period of six weeks and 50% of the amount by 31.03.2023 but the residual amount could not be deposited by him. While passing the order dated 20.12.2022, the petition had not disputed its liability and hence on the basis of statements made by him, the order was passed in its favour directing him to deposit the outstanding amount.

6. In the present writ petition, it has been submitted by petitioner that subsequent to passing of the order dated 20.12.2022 a copy of the statement of accounts was furnished by Lucknow Development Authority on 22.12.2023 from which the petitioner came to know that Lucknow Development Authority has charged interests even for the period of Covid-19 which according to him was exempted as per order dated 22.02.2021 passed by Principal Secretary, Government of U.P. and accordingly a prayer was made that Lucknow Development Authority be directed to consider the representation of the petitioner giving him benefit of the exemption from paying of interest during the period of Covid-19 as per Government Order dated 22.02.2021.

7. Sri Ratnesh Chandra, learned counsel for Lucknow Development Authority has opposed the writ petition. He has submitted that he does not dispute the contents of the government order dated 22.02.2021 but it seems that this aspect of the matter could have been raised by the petitioner in Writ C No. 9093/2022 where the petitioner has categorically not disputed his liability.

8. He further submits that in case the petition of the petitioner is allowed it would amount to modification of the previous order dated 20.12.2022 passed by a coordinate bench of this Court and it would have been appropriate in case the petitioner had moved an application for review of the aforesaid order in light of the changed circumstances brought on notice by the statement of account would be rendered to him by Lucknow Development Authority.

9. At this stage, learned counsel for petitioner does not dispute the submissions made by learned counsel for respondents but submits that the said land which was allotted to him for the purpose of running a retail oil outlet for which a letter of intent has already been issued by the Hindustan Petroleum Limited he has been given time till 30.06.2024 to submit all the papers with regard to proposed land on which the retail outlet is to be established.

10. He submits that it is on account of the aforesaid

circumstances that he has prayed that a decision be taken by the Lucknow Development Authority within 7 days from today.

11. After hearing learned counsel for parties, this Court is of the considered view that the prayer made by learned counsel for petitioner cannot be granted in light of the fact that in Writ C No. 9093 of 2022 he had admitted his liability. Even though it has subsequently come to his knowledge that Lucknow Development Authority may have charged interest contrary to Government Order dated 22.02.2021 which can be decided at that for which purpose a fresh writ petition cannot be entertained and petitioner would have liberty to move an appropriate application for review of the order dated 20.02.2022.

12. Accordingly, no direction as sought cannot be given in the present writ petition and he is granted liberty to move an appropriate application in Writ C No. 9093/2022. With regard to submitting the papers with regard to proposed land on which the retail outlet is to be established, liberty is granted to the petitioner to move appropriate application to the Oil Company requesting for grant of additional time so that his application can be duly considered by this Court as well as by the Lucknow Development Authority for exemption of payment of interest.

13. With the aforesaid directions, the writ petition is **disposed of**.

**(Arun Kumar Singh Deshwal,J.)      (Alok Mathur, J.)**  
**Order Date :- 27.6.2024**  
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