ITEM NO.47 COURT NO.5 SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No.10162/2026

[Arising out of impugned final judgment and order dated 26-09-2025 in WC No. 19097/2023 passed by the High Court of Judicature at Allahabad]

GREATER NOIDA INDUSTRIAL DEVELOPMENT AUTHORITY & ANR.Petitioner(s)

VERSUS

M/S TANISHA BUILDER (P) LTD & ORS. Respondent(s)

IA No. 71752/2026 - EXEMPTION FROM FILING O.T.

Date : 16-11-2026 This matter was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :Mr. Ravindra Kumar, Sr. Adv.
Mr. Binay Kumar Das- 2000, AOR
Ms. Priyanka Das, Adv.
Ms. Neha Das, Adv.
Mr. Shivam Saksena, Adv.

For Respondent(s) :Mr. Mahesh Jethmalani, Sr. Adv.
Mr. Ajay Awasthi, Adv.
Mr. Rishi Jaiswal, AOR
Mr. Kunal Singh, Adv.
Mr. Samarth Tiwari, Adv.

Mr. Ajay Kumar Mishra, Sr. Adv.
Mr. Shashank Shekhar Singh- 2524, AOR
Mr. Abhinav Singh, Adv.

Signature Not Verified
Digitally signed by CHANDRESH
Date: 2026.11.19 18:23:47 IST
Reason:

Upon hearing the counsel, the Court made the following

O R D E R

1. **An allotment of land has been hanging far from 2003 onwards despite Rs.4,96,00,000/- having been paid. Admittedly, the petitioner herein-Greater Noida was unable to give possession of the plot allotted to the respondents for building an industrial park. Subsequently in 2011, a lesser extent of property was offered for the same valuation which would bring the liability on the respondent to a little lesser than that originally paid in 2003; about Rs.3,00,00,000/-. Despite the land having been allotted in 2011, it is submitted that there were occupants therein; farmers, who had to be evicted. Vacant possession is said to have been given in 2018, but the respondent has objection even to that.**

2. **In any event, the petitioners made a demand for amounts by order dated 08.02.2019 and issued a notice dated 16.08.2021, granting a year's time to complete the construction and passed an order dated 10.01.2022; before the time stipulated, seeking vacant possession of the**

allotted land; against which order, the revision filed also stood dismissed by order dated 09.05.2023. The demand dated 08.02.2019 and the orders dated 10.01.2022 and 09.05.2023 were challenged by the respondents herein. All of which were set aside by the impugned order.

3. **We heard Sri Ravindra Kumar, learned Senior Counsel for the petitioners and Sri Mahesh Jethmalani & Sri Ajay Kumar Mishra, learned Senior Counsel for the respondents.**

4. **The High Court on the short ground that though a notice dated 16.08.2021 had been issued in pursuance of an amendment made to Section 7 of the Uttar Pradesh Industrial Area Development Act, 1976, granting one year's time; prior to expiry of the stipulated period, an order was passed on 10.01.2022, set aside the same. As a consequence, the revisional order also stood set aside. The demand dated 08.02.2019 was also set aside.**

5. **While the petitioner has very many contentions with respect to the amounts due and the laxity of the respondents in carrying out the construction, the respondents assert that proper demarcation was not**

carried out and exorbitant amounts have been claimed, which were not part of the Lease Agreement, without also granting set off to the excess amounts remaining with the petitioner.

6. **Insofar as the setting aside of the orders, we find no reason to interfere with the same because it is not on merits but on the short ground of the stipulated time in the notice having not expired. Insofar as the demand is concerned, we notice that there is no reasoning by the High Court with regard to the setting aside of the financial demands made against the respondents.**

7. **Though we do not interfere with the impugned order, we cannot but leave liberty to the petitioner to proceed in accordance with law, but after giving due opportunity to the respondents to put forth their contentions; both against cancellation of lease as also the monetary demands made against it. If a notice is issued for monetary demands, the petitioner should spell out the specific heads under which such demand is made and give an opportunity to the respondents to reply to it and**

afford a personal hearing before any orders are passed.

8. **With the above liberty without any observations on the merits, we dispose of the Special Leave Petition.**

9. **Pending application(s), if any, shall stand rejected.**

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)