

Government of UP

Industrial Development Department; Section -4

No. 1807/ 77-4-25 /17 Appeal/25

Lucknow: Dated 18.4.2025

M/s AIMS Promoters Pvt Ltd Revisionist

Vs

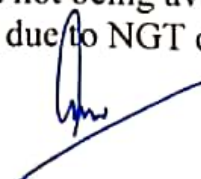
NOIDA Authority Respondent

1. The present revision petition has been filed by M/s Aims Promoters Pvt. Ltd. (herein after referred to as "Revisionist") in compliance with the directions of the Hon'ble High Court dated 04-04-2025 in Writ Petition No 1257/2025. The Court has directed the Revisional Authority to decide the application for grant of interim relief dated 14-02-2025 within a period of 3 weeks and the revision petition within a period of 8 weeks.

2. Brief facts of the revision petition are as follows:-

NOIDA Authority (herein after referred to as "Respondent Authority") vide their order dated 21-03-2023 declined to entertain the petition of the revisionist with respect to their claim for the zero period in regard to group housing plot no GH-2, Sector-75. Aggrieved by the decision of the Respondents, this revision petition has been filed. It has been averred on behalf of the revisionist that the sublease for the said plot was executed on 02-01-2012 between the parties to this petition. The map was sanctioned on 13-01-2012, but the revisionist could not start construction activities on the said plot due to opposition from two local farmers, namely Dharampal Yadav and Sunita since they contended that there were some parcels of land belonging to them within the total 20,000 sq.m. that has been leased to the revisionist by the authority. This was a subject of litigation between revisionist and the concerned farmers with the respondent authority being a party to the dispute. The farmers claimed that their plots have not been acquired by the authority and hence the developers were not entitled to construct the group housing on a land whose title vested with the farmers. The revisionist claimed that they were not in possession of the land between the period 02-01-2012 to 25-09-2014. Later the revisionist was forced to purchase the land from Ms Sunita as the Authority was not able to acquire it. He has submitted the purchase deed signed between Ms Sunita and the owners of the revisionist company as part of the revision petition. It has been further contended on behalf of the revisionist that as per Government Policy, the benefits of zero period is to be extended to all developers in the light of a ban on the construction activities for the period between 14-08-2013 to 19-08-2015 on account of the orders of National Green Tribunal (NGT) and the same should be applicable to his case as well. In sum, the revisionist has claimed a zero period between 02-01-2012 to 19-08-2015 on the grounds of possession of land not being available to them as well as on the ground of the ban on construction due to NGT orders.

1.

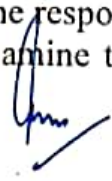


3. On the other hand, respondent authority while disposing off the applicant's claim for zero period has argued that the Khasra numbers of the farmers in question does not come within the boundaries of the plot of land demised in favour of the revisionist. This conclusion flows out of a tentative super-imposed map submitted by the Planning Department of the Authority which delineates the original khasra numbers comprising the demised plot, namely, GH-2 sector 75 and by comparing the same to the khasra numbers of the land held by the farmers in question.
4. Heard Mr Kartikey Dubey, Advocate on behalf of the revisionist who is present in person and Ms Vandana Tripathi, ACEO NOIDA Authority on behalf of respondent present through VC. The revisionist has brought on record the details of litigation with the farmers named above in which W.P. No 14061/2012 Dharampal Yadav Vs State of U.P. decided on 20-04-2012 and W.P. No 56276/2012 Sunita Vs State of U.P. decided on 10-12-2012. In the later writ petition, Hon'ble High Court directed the District Magistrate to pass the reasoned order after hearing the affected parties as to whether the land which belongs to the petitioners and over which the respondent numbers 6 to 11 (which include the revisionist of the instant petition) are eligible for making constructions forms subject matter of the notification under the Land Acquisition Act. The District Magistrate after hearing all parties concerned passed an order on 23-04-2013. The operative portion of the District Magistrate findings is as follows:- *“इस प्रकार यह स्पष्ट है कि प्रत्यावेदनदाता की उपरोक्तांकित गाटा नम्बरानों की भूमि जिसमें उनका 1494.66 वर्गमीटर भाग है, पर नोएडा अथोरिटी द्वारा बिना भूमि क्रय किये भू-आवंटन की कार्यवाही कर दी गयी है एवं मैसर्स मैक्स गार्डनिया प्रा० लि० द्वारा पुनः भूमि की सबलीज मैसर्स एम्स प्रमोटर्स प्रा० लि० मैसर्स एम्स आर० जी० ऐगल प्रमोटर्स प्रा० लि०, मैसर्स जे० एम० इंफ्राटेक प्रा० लि० को कर दी गयी है, जो विधिक दृष्टि से उचित नहीं है।”*

It is a matter of record that Mr. Abhay Kumar Singh, Tehsildar was present on behalf of NOIDA Authority during this hearing by the District Magistrate.

5. At no stage of the proceedings prior to the passage of the order dated 21-03-2023 by Respondent Authority has it ever been questioned that the land belonging to Sri Dharampal Yadav or Ms Sunita was NOT a part of the demised plot. Had it been so, the Respondent should have raised this issue in 2013 itself while contesting the Writ Petitions mentioned in para 4 of this order or during the proceedings before the District Magistrate. It is therefore totally unreasonable to conclude now, some 11 years later that the khasras belonging to the farmers in question were not a part of GH-2 merely on the basis of a piece of map with khasra numbers being digitally superposed over the leased plot. This is all the more so, because the said digital superposition has been carried out by an instrumentality directly under the control of the respondent authority without giving any opportunity to the revisionist to examine the accuracy of such an exercise.

2.



6. Even the authority concedes the reasonableness of the demand of zero period on account of NGT orders. So, the only question that remains to be determined is whether the period 02-01-2012 to 14-08-2013 be also declared as zero period on account of stoppage of construction due to the litigation on part of the farmers. Based on the records submitted by the revisionist, I am inclined to accept the contention on behalf of the revisionist.
7. On the basis of the discussions above, the order dated 21-03-2023 passed by the respondent authority is set aside. The period between 02-01-2012 till 19-08-2015 is declared as zero period; in so far as the revisionist is concerned, entitling them to all the consequential benefits as per the extant policies of the Respondent authority. The revisionist has agreed to settle the dues after adjusting the claims for the zero period, preferably within a period of 3 months from the date on which the respondent authority serves him the revised calculation sheet in compliance of this order. No order as to the costs.

Sd/-
(Alok Kumar)
Principal Secretary

Letter No. 1807/ 77-4-25 /17 Appeal/25 Dated:

1. Chief Executive Officer, Noida
2. M/s Aims Promoters Pvt. Ltd. Delhi
3. Mohd. Wali Abbas, Director, I.T Invest U.P. – to upload it on Department's website.
4. Guard File.

Order by

(Jaivir Singh)
Joint Secretary