

Government of UP
Industrial Development Department; Section -4
No. 2911/ 77-4-25 /192 Appeal/24
Lucknow: Dated 12.6.2025

M.K. Dhingra Revisionist
Vs
NOIDA Authority Respondent

The instant revision has been filed against the cancellation order dated 24.03.2023 passed by Respondent Authority in respect of an industrial plot allotted in favour of M/s Rajhans Paints. It has been prayed that the cancellation order dated 24.03.2023 be set aside, as the order is ex-parte, illegal and passed without considering the evidence and is based on total non-application of mind.

I have perused the impugned cancellation order. It appears that although the unit was made functional in 1984 itself, but due to miscommunication regarding payment of dues amounting to mere Rs 543/-, functionality certificate in favour of the Revisionist could not be issued by the Revisional Authority. Thereafter, the Government of U.P. issued an ordinance dated 28.07.2020 which obligated obtaining of operational certificate/functionality certificate on the part of all allottees latest by 31.12.2022. Since the allottee failed to obtain the certificates in question, it has been held by the Respondent Authority that the allottee has violated the conditions of lease, resulting in the cancellation.

Heard Mr. Saurabh Dhingra and Dr. Ravi Sabharwal on behalf of Revisionist and Shri Sanjay Khatri, ACEO, NOIDA Authority on behalf of Respondent Authority. It is clear from the records that the Revisionist had established industrial unit in 1984 and submitted the relevant records like electricity bills and sales tax receipts to the Authority. However, because of the miscommunication, some

pendency of paltry dues, functionality certificate could not be issued for which the lessee/allottee and the Revisionist cannot be faulted.

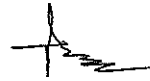
The intent of the Ordinance on the basis of which the impugned cancellation order has been passed, is that the vacant plots be utilised by the allottees. In the instant case, there is no dispute among the parties that the factory had been functional from 1984 to 2006 and it is only due to the death of Shri M.K. Dhingra and the peculiar circumstances prevalent in the family of the deceased that the factory is currently not functional. The Revisionist undertakes to restore the operations of the factory within a year of the restoration of the said plot. In view of the discussions above, the cancellation order dated 24.03.2023 is set aside. The plot may immediately be restored in favour of the Revisionist without any restoration charges. The Revisionist has agreed to submit an affidavit that he will make the unit functional within one year of the date of restoration, failing which it would be open for the Authority to proceed against the lessee as per Law.

Revision disposed of accordingly.

Sd/-
(Alok Kumar)
Principal Secretary

Letter No. 2911/ 77-4-25 /192 Appeal/24 Dated:

1. Chief Executive Officer, Noida
2. Shri M K Dhingra (on behalf of M/s Rajhans Paints).
3. Director I.T. Invest U.P. – to upload it on Department's website
4. Guard File.

Order by

(Jaivir Singh)
Joint Secretary