

Government of UP

Industrial Development Department; Section -4

No. 5124/77-4-25 /28 Appeal/25

Lucknow: Dated 06.10.2025

M/s Imperial Housing Ventures Pvt Ltd Revisionist

Vs

NOIDA Authority Respondent

The instant Revision has been filed with respect to Plot No. GH-01 Sector 137 admeasuring 1,19,770.70 sq.m. allotted in favour of Revisionist on 14-01-2010. The building plan was approved on 11-05-2010 & 25-04-2011 permitting 28 towers and 3978 residential units.

Heard Mr Aman Nagar & his advocate Mr Kartikey Dubey who are present in person. Heard Ms Vandana Tripathi, ACEO NOIDA Authority present through VC.

By means of instant revision, the impugned demand order dated 31-12-2024 issued by Respondent Authority is sought to be set aside. Additionally, the Revisionist prays for declaration of the period 26-03-2010 to 09-01-2016 as Zero Period on account of the fact that approach road of 45m on the east side of the plot as promised by Authority did not materialize till 2016. Citing unfulfillment of promises by the Respondent Authority leading to pecuniary losses on sale of flats, the Revisionist prays for declaration of zero period and consequential benefits thereof.

On behalf of Respondent Authority, it has been argued that the zero period benefits cannot be given since one of the approach roads to the plot in question, namely, 24m road to the west side of the plot in question, was available allowing unrestricted access to the plot in question. They have also cited the fact that the Revisionist was able to proceed with the construction unimpeded as evidenced by the fact that he had sought OC/CC in respect of 12 towers after its completion on 10-01-2014.

Perused the records and heard rival submissions made by both the parties. The central issue that needs to be determined is whether Noida Authority was in breach of their contractual obligations by not providing the 45m road on east side of the plot in question and the consequential losses suffered by the Revisionist on account thereof. From the reply of Respondent Authority, it is abundantly clear that the Authority is not contesting the claim of the Revisionist that the 45m road promised was not in operation before 2016. Rather, their argument is that the 24m approach road on the west side of the plot was operational allowing egress and ingress to the Revisionist whereby the construction on his plot went on unimpeded. The two case logs cited by the Revisionist mainly M/s Divine Conbuild Pvt Ltd Vs State of U.P. and M/s Sunshine Trade Towers Pvt Ltd Vs State of U.P. were carefully examined. In the matter of Sunshine Trade Towers Pvt Ltd both the approaches respectively on the north & the east sides of the plot were unavailable to the allottee. This is unlike in the case in question where one approach road was available but the other was not. In the first case also, the single 60m the sole approach road to the demarcated plot was not available in which case the court directed grant of zero period to the petitioner. Clearly this case is unique in as much as the fact that the contractual obligation on the part of Respondent Authority has been partially fulfilled. This partially substantiates the case of the Authority that the non-availability of the 45m road did not impede the construction on the project and therefore the zero-period sought for cannot be granted. On the other hand, the Revisionist's claim is that while indeed the construction was not impeded, he suffered pecuniary losses because the Respondent Authority was unable to fulfil their part on the contractual obligations and therefore, he should not be penalised for the fault of the Authority. He also argues that due to the non-availability of 45m road, the owners of the residential units had to take a long detour to reach their homes & therefore the full pecuniary benefits of the residential

units could not be realized by the developer. The Revisionist need to be partially compensated for the same by the Respondent Authority.

In passing, we observe that the impugned demand dues dated 31-12-2024 has been issued in compliance of the Government Order dated 21-12-2023 whereby in return for completion of legacy stalled real estate projects, the Government promised certain benefits to the developers. The instant project falls under this category. As per para 7.1 (IV), the benefits of the package promised under the said G.O. would be available to only those cases where the developer withdraws all legal cases pending before any Court/ Authority/ NCLT. As such, if the Revisionist is desirous of availing the benefits of the G.O. dated 21-12-2023, he may have to withdraw this instant revision petition so that Respondent Authority can consider his case for zero period.

In light of the discussions above, we remand the case back to the Respondent Authority with a direction to consider the case of the Revisionist for grant of zero period relief in light of the fact that his case of partial fulfilment of the Noida Authority obligation stands validated. Revision disposed of accordingly.

Sd/-
(Alok Kumar)
Additional Chief Secretary

Letter No. 5124 / 77-4-25 /28 Appeal/25 Dated:

1. Chief Executive Officer, Noida
2. M/s Imperial Housing Ventures Pvt Ltd
3. Director, I.T Invest U.P. – to upload it on Department's website
4. Guard File.

Order by



(Jaivir Singh)
Joint Secretary