

Government of UP
Industrial Development Department; Section -4

No. 5930/77-4-25 /53 Appeal/25

Lucknow: Dated 25.11.2025

M/s Pathik Software Education Pvt Ltd Revisionist

Vs

NOIDA Authority Respondent

The present revision was filed by M/s Pathik Software Education Pvt. Ltd. challenging the order dated 07-01-2021 passed by the Respondent Authority and the allotment letter dated 17-06-2021 issued in favour of Respondent No-2 (M/s Innova AM Tech LLP).

Brief facts of the case are : The Revisionist were allotted IT/ITES Plot No 30, Sector 142, Noida admeasuring 2100 sq.m. on 17-02-2006. The lease deed was signed on 01-02-2007 and in terms of the lease deed the allottee/revisionist was required to complete the construction within 7 years i.e. till 31-01-2014.

The allottee/ revisionist failed to meet the construction deadlines and also partly defaulted on the dues to be paid to the Respondent Authority. Consequently, Respondent Authority cancelled the said plot vide order dated 07-01-2021. Further the Authority took repossession of the plot and then allotted the same in favour of Respondent No-2 on 17-06-2021.

Subsequently there was a series of litigation between the Revisionist & both the Respondents (Noida Authority & Respondent No-2), first in the commercial court and then subsequently in the civil court.

The Hon'ble Supreme Court in its order dated 17-10-2023 held that "*In the circumstances, taking note of the submission made by learned senior counsel, the appellant is permitted to file a suit within a period of 30 days from today before the Court having the jurisdiction to entertain such a suit. Therefore, for a period of 30 days from today, there shall be an order of status quo vis-à-vis the suit scheduled*

property. Liberty is reserved to the appellant herein to seek appropriate interim order before the Civil Court. All contentions on both sides are left open to be agitated before the concerned Civil Court". Consequently, a Civil Suit No. 268 of 2023 was initiated between the parties and is currently being heard in the court of Civil Judge, Senior Division, District Gautam Budh Nagar.

In the meanwhile, the Revisionist chose to file a parallel Revision Petition u/s 41(3) of the Uttar Pradesh Urban Planning & Development Act 1973 read with Section 12 of the Uttar Pradesh Industrial Area Development Act 1976.

Heard Mr. Siddharth Nandwani, advocate on behalf of Revisionist who is present through VC. Mr Rajesh Ghei, Director M/s Innova AM Tech LLP (Respondent No.2) and his advocate Ms Ritu Singh Mann both are present in person. Mr. Krishna Karunesh, ACEO, NOIDA Authority is present through VC.

It has been admitted by the Revisionist in Para 27 & 28 of his revision petition that "though the civil suit preferred by the revisionist is still pending adjudication before the learned District Court, Gautam Buddh Nagar however in view of availability of statutory remedy under the provisions of Uttar Pradesh Urban Planning and Development Act, 1973 (herein after referred to as '**Act of 1973**') read with Uttar Pradesh Area Development Act, 1976 herein after referred to as '**Act of 1976**') in the form of revision against the illegal and arbitrary actions of the Respondent No. 1 before this Hon'ble Authority, the revisionist is approaching this Hon'ble Authority challenging the impugned order dated 07-01-2021 and 17-06-2021". "That the revisionist undertakes to withdraw the civil suit which is pending adjudication before the learned trial court for effective adjudication of the present revision as per the legal advice tendered to the revisionist. The revisionist has been advised to submit that the learned Civil Court is not vested with the jurisdiction to try the suit in view of statutory remedy available to an aggrieved person under Section 41(3) of Act, 1973 read with Section 12 of Act, 1976 being special law against the orders passed by the Industrial Development Authorities. Hence, the

revisionist is approaching this Hon'ble Authority by filling the present revision petition for the reliefs as being sought hereinafter."

Counsel for Respondent No. 2 objected to the fact that the Revisionist was seeking remedies from two judicial forums at the same point in time on similar issues, which is legally impermissible. Counsel for the Revisionist indicated their intention to withdraw the instant Revision Petition in order to pursue the desired remedies in the Civil Court.

Revision Petition dismissed as being withdrawn.

Sd/-
(Alok Kumar)
Additional Chief Secretary

Letter No. 5930/ 77-4-25 /53 Appeal/25 Dated:

1. Chief Executive Officer, Noida
2. M/s Pathik Software Education 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