

Government of UP
Industrial Development Department; Section -3

No. 607/77-3-26/E-2012829

Lucknow: Dated 30.03.2026

Sonu Revisionist
Vs

Greater Noida Industrial Development Authority(GNIDA) Respondent

The instant revision has been filed under Section 41(3) of the U.P. Urban Planning and Development Act, 1973, read with Section 12 of U.P. Industrial Area Development Act, 1976. It has been prayed that Plot No. 437 /0-9-0 बीघा, 438 /1-11-0 बीघा, 439 /0-14-0 बीघा, 440 /0-8-0 बीघा, 441 /0-1-0 बीघा which originally belonged to the Revisionist and had been acquired by the Respondent Authority without paying adequate compensation. They have prayed for enhanced compensation, in addition to lease back of half share of the property. They have further prayed that their representation dated 29-07-2024 & 30-07-2024 be decided.

The Respondent Authority in their para-wise response have stated that the Award in respect of acquisition of the land in dispute has been finalized on 22-02-1997 and mutation proceedings & the possession of the same in favour of the Respondent Authority has already been completed. They have further averred that once the award under Land Acquisition Act 1894 had been finalised, any enhancement of compensation could only have been done through a reference in the competent court. They have denied that the Revisionist is in possession of the land in dispute or that he meets the eligibility criteria for a lease back. In light of the averments in their reply, they have prayed for dismissal of the Revision.

Heard Mr R.B. Yadav, advocate on behalf of the Revisionist who is present in person. Mr Saumya Srivastava, ACEO GNIDA on behalf of the Respondent Authority is present through VC.

At the outset, it may be pointed out that the Revision Petition is defective in as much as it has not challenged any order passed by the Respondent Authority under the provisions of UP Industrial Development Authority Act. In fact, the order that is under challenge – though not explicitly stated in the Revision- is the letter dated 18-07-2024 issued by the Respondent Authority disposing of the grievance submitted to the CM's office. The Integrated Grievance Redressal System (IGRS) reference for the complaint No. 15141240034221 has been

mentioned which is identical to the representations annexed with the present revision petition. In the said disposal letter, it has been stated that the Revisionist/complainant has failed to provide any evidence to substantiate the alleged agreement between the Authority and himself so as to render his claim untenable.

It may be pointed out that the grievance basically stems from inadequate compensation under the Land Acquisition Act, 1894 (1894 Act). There is a set judicial process to appeal against the award of land acquisition officer and therefore a challenge to the same under Section 41(3) is legally untenable. The revision is liable to be dismissed only on this ground. However, given the directions of the Hon'ble High Court in Writ Petition No. 5033/2025, we also dispose of the representation on merits.

The relief sought by the Revisionist for enhanced compensation for the land compulsorily acquired by the Respondent Authority has been claimed under the Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (2013 Act) read with the compensation guidelines issued by the Respondent Authority in 2015. In his representation dated 29-07-2024, the Revisionist claims that there was a written understanding dated 13-02-1997, wherein the then Additional Chief Executive Officer of the Respondent Authority Sri Ashok Kumar Khurana had conveyed the willingness to pay a compensation of Rs 160 per sq. yard (inclusive of resettlement allowance) to the farmers in lieu of their lands being acquired. In addition, it was further conveyed that of the land acquired, 10% would be left for settlements of displaced farmers around their current habitations. I have examined the said letter, wherein second last para it states as under - “आप अवगत हैं कि इस विषय में आपकी माननीय राज्यपाल महोदय से भी आपकी विस्तृत विचार-विमर्श हुआ है और इस बिन्दु पर आप उनके विचारों से भली-भाँति अवगत हैं। प्राधिकरण की इस बिन्दु पर सैद्धान्तिक सहमति है, परन्तु इस बिन्दु पर निर्णय शासन के कार्य क्षेत्र में है और जब इस विषय पर शासनादेश प्राप्त होगा उन्हें तुरन्त कार्यान्वित कर दिया जाएगा”.

Clearly, while such a proposal was indeed forwarded to the then Member of Parliament in response to the letter's letter, I do not find that this constitutes a binding agreement between the Authority and the Revisionist. Therefore, no benefit can be granted to the Revisionist on the basis of the cited letter. In any case, the letter itself states that the final decision is in the domain of the Government and the Authority will follow the Government's direction in this regard. The Revisionist was unable to provide any Government directions to the effect that an enhanced compensation is to be paid to him.

As regards the claim of entertaining his application under Section 24(2) of the 2013 Act is concerned, the provisions of the new Act shall be applicable in this case if and only if the physical possession of the land has not been taken or the compensation has not been paid. It has been contended by the Respondent Authority that the award for the acquisition of the disputed plot had been finalized on 20-02-1997 and the possession was taken over on 20-06-1996. Moreover, the land records clearly reflects that the plots in question are recorded in the name of Respondent Authority. The Respondent Authority has further submitted a superposed google earth image which shows that the Khasra Nos. in question are being partially used for a 130m wide road & partially as recreational green on the road side, thereby indicating that the physical possession of the land is on the plot in question rests with the Authority. Therefore, neither of the two clauses as specified in Section 24(2) of the 2013 Act applies in this case, negating the Revisionist's claim for consideration under the 2013 Act.

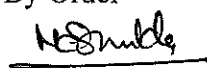
Lastly, in so far as the inadequacy of the compensation is concerned, the right recourse for the Revisionist would have been a reference to the competent court under Section 18 of the 1894 Act. However, the said Act itself provides in Section 18(2)(a) that such a reference is to be filed within 6 weeks from the date of the Collector's award. No such reference was filed by the Revisionist. Moreover, he has already accepted the compensation amount and thereby, the award has reached finality and any challenge to the award 28 years after the finalization of such award is barred by the Law of Limitation.

On the basis of discussions above, the Revision fails on the ground of legality as well as on factual grounds. Revision dismissed accordingly.

Sd/
(Alok Kumar)
Additional Chief Secretary

Letter No. 607/ 77-3-26 /E-2012829 Dated:as above

1. Chief Executive Officer, GNIDA
2. Sonu
3. Director I.T. – to upload it on department's website
4. Guard file

By Order

(Nirmesh Kumar Shukla)
Joint Secretary

