

Government of UP

Industrial Development Department; Section -4

No. 3907/77-4-26/14 Appeal/22

Lucknow: Dated 28.07.2026

M/s KVIR Towers (P) Ltd Revisionist

Vs

Greater Noida Industrial Development Authority (GNIDA) Respondent

1. The instant revision petition has been filed by M/s KVIR Towers Pvt Ltd in regard to Plot No GH 14B, Sector-1, Greater Noida admeasuring 1,09,400 sq.m. It is pertinent to point out that the said revision petition had already been decided by the Revisional Authority vide their order dated 05-12-2023 against which Writ Petition No 10776/ 2023 was preferred. The same was disposed of by Hon'ble High Court with the following directions: *"The matter is remanded to the revisional court to pass fresh order taking into consideration the facts that may be pleaded by both the parties as well as the communication dated 25-11-2024. The revision shall be decided within a period of six weeks from the date of presentation of a certified copy of this order. Till the decision afresh as directed above, neither any coercive action shall be taken nor any third-party rights shall be created"*.
2. In terms of the directions noted above, the one critical issue that needs to be decided is whether the communication dated 25-11-2024 issued by the Respondent Authority has a bearing on the case in hand.
3. Heard Mr Apoorva Tewari learned counsel appearing on behalf of the Revisionist is present in person, Mr Saumya Srivastava, ACEO, GNIDA on behalf of the Respondent Authority is present through VC.
4. On the issue of communication dated 25-11-2024, it was contended on behalf of the Revisionist that paragraph-2 of the said letter is a tacit admission on part of the Authority that there was an encroachment to the extent of 4000 sq.m. at the entrance of plot allotted to the Revisionist. On the other hand, the Respondent Authority argues that the cited paragraph is merely a para-phrasing of the assertion made by the Revisionist in their letter dated 31-11-2024 addressed to the Respondent Authority; and consequently, does not tantamount to an

admission of the Revisionist's claim. On the contrary, they highlight the finding in the same letter "भूलेख विभाग द्वारा अपनी आख्या में अवगत कराया गया कि स्थल निरीक्षण के उपरांत ज्ञात हुआ कि ग्राम बिसरख जलालपुर के खसरा संख्या 435 का कोई भी अंश उक्त भूखंड में नहीं आता है" | Moreover in the same communication at paragraph 3 a conclusive finding records as under "तत्क्रम में दिनांक 17.10.2024 को पुलिस बल की उपस्थिति में ग्रेटर नोएडा प्राधिकरण के नायब तहसीलदार (भूलेख) महोदया के निर्देशन में भूलेख विभाग एवं परियोजना विभाग की संयुक्त टीम द्वारा मौके पर खसरा संख्या-435 के चिन्हांकन में पाया गया कि खसरा संख्या-435 का कोई भाग प्रश्नगत भूखण्ड संख्या-GH-14B में नहीं आ रहा है" |

5. Therefore, the contention of the Revisionist- which is based on a partial reading of the communication dated 25.11.2024 cannot be accepted, especially in face of the categorical assertion made in paragraph 3 of the same communication. The prime bone of contention between the parties to this revision has been in regard to the Khasra number 435 situated in Village Bistrakh. It is an admitted position that all other encroachments had been removed by the Respondent Authority except that related to the Khasra in question as the latter was stuck in a legal dispute relating to land acquisition. Once a conclusive finding regarding Khasra no 435 not being a part of the allotted plot, namely GH14 B, is returned; the very foundation on which the case of the Revisionist has been built falls to the ground. As the Respondent Authority rightly contends; the possession certificate dated 24.06.2015 issued after execution of the correction deed on 22-06-2015 is an express admission on the part of the Revisionist that the possession over the allotted plot free from encroachments was handed over to him. So much so that he could obtain the permission to mortgage the said plot to access credit for carrying out the development thereon on 28-04-2017.
6. Whatever minor encroachments (admitted to an extent of 1000 sq m by the Respondents) as were hindering the execution of the project, have been promptly removed with active cooperation from the respondents and the Police Administration. No large project of such size is free of such obstacles, but the record substantiates the efforts made by the Respondents of cooperating in removal of such hurdles. My learned predecessor has rightly recorded in his revisional judgement dated 5.12.2023, the extent and temporality of encroachment [1000 sq m of 33,000 sqm] is not such as to attract the provisions of the Zero Period

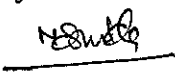
Policy. The same conclusions have been reached by a seven-member committee comprising senior officials of the Respondent Authority to examine the issue and has been sanctified in the decision taken by the Board of Directors. In view of the above, the revisionist has clearly failed to make out a compelling argument that would warrant an interference in the decisions taken earlier in this regard.

7. Accordingly, the Revision is dismissed as being devoid of merits.

Sd/-
(Alok Kumar)
Additional Chief Secretary

Letter No. 3907/77-4-26/14 Appeal/22 Dated:as above

1. Chief Executive Officer, GNIDA
2. M/s KVIR Towers (P) Ltd
3. Director I.T. Invest U.P. – to upload the order on department's website
4. Guard file

By Order

(Nirmesh Kumar Kumar)
Joint Secretary

