

Government of UP

Industrial Development Department; Section -4

No. 5172/77-4-26/29 Appeal/26

Lucknow: Dated 05.10.2026

M/s Good Luck Traders Prop Good Luck Capital Pvt. Ltd. .... Revisionist

Vs

Greater Noida Industrial Development Authority(GNIDA) ..... Respondent

1. The instant revision petition under Section 41(3) of the Uttar Pradesh Urban Planning and Development Act, 1973 read with Section 12 of the Uttar Pradesh Industrial Area Development Act, 1976 has been filed by M/s Good Luck Traders Prop Good Luck Capital Pvt. Ltd. challenging the cancellation order dated 27-08-2021 (impugned order) passed by the Respondent Authority.
2. Briefly stated the facts of the case are: The Revisionist was allotted an industrial Plot No. 41, Sector Ecotech-11 on 07-01-2008 for a period of 90 years for manufacturing of furniture & warehousing, admeasuring 4000 sq.m. at the rate of Rs 4312.50 per sq.m. The checklist was issued on 18-03-2021. The Respondent Authority has cancelled the allotment vide order dated 27-08-2021 on the ground of non-payment of outstanding dues.
3. It has been submitted on behalf of the Revisionist that the project could not be implemented on account of prolonged land acquisition litigation and farmers' agitation in the concerned area. It has further been submitted that the Revisionist approached the Respondent Authority in 2016 for execution of the lease deed and had also intimated its changed correspondence address. The principal contention of the Revisionist is that no pre-cancellation notice was served upon it and even the cancellation order dated 27-08-2021 was never communicated to it. According to the Revisionist, they acquired knowledge of the cancellation only on 16-12-2021 and thereafter submitted an application dated 19-01-2022 seeking recall/restoration of the allotment. The

Revisionist has also sought benefit of various Government Orders/relaxations issued during the Covid period and has relied upon orders passed in certain other revision matters.

4. On behalf of the Respondent Authority, it has been argued that the allotment was made on 07-01-2008 and the Revisionist has remained in continuous default of the terms and conditions of allotment. Against the total premium of Rs.1,72,50,000/-, only Rs.76,88,916/- was deposited by the Revisionist. It has further been submitted that no instalment towards the balance premium was deposited after the year 2008. Despite repeated notices and opportunities, the Revisionist neither cleared the outstanding dues nor executed the lease deed. The Authority has further submitted that the Revisionist was granted the benefit of zero period from 2011 to 2016 and was again given an opportunity in the year 2019 to execute the lease deed and operationalise the unit, but Revisionist failed to avail the same. Consequently, the allotment was cancelled on 27-08-2021. The Respondent Authority has also submitted that the application for restoration was not made within the prescribed period of 90 days and therefore no restoration could be considered.
5. Heard Mr Devendra Kumar Jain, on behalf of the Revisionist and Mr Sumit Yadav, ACEO, GNIDA on behalf of the Respondent Authority, both are present through VC. Two issues essentially arise for consideration:
  - a) Whether the challenge to the cancellation order dated 27-08-2021 can be entertained after the elapse of so much time?
  - b) Whether the conduct of the Revisionist in relation to payment of dues, execution of lease deed and seeking restoration makes out a case for interference with the impugned order?
6. As regards the first issue, the cancellation order under challenge was passed on 27-08-2021, whereas the instant revision has been filed only in the May 2026, almost five years thereafter. The Revisionist seeks to explain the delay by contending that the cancellation order was not served upon him and that knowledge thereof was acquired only on 16-12-2021. Even if this contention

is accepted, the Revisionist was admittedly aware of the cancellation in December 2021 and yet approached this Revisional Authority only in 2026, after lapse of full 5 years. No satisfactory explanation for this prolonged delay has been furnished. The subsequent representations made before the Respondent Authority cannot keep the cause of action alive indefinitely.

7. Even on merits, there is a substance in the Respondent Authority's contention that the Revisionist has remained in persistent default of the basic conditions of allotment. The plot was allotted in 2008, but no instalment towards the balance premium was deposited thereafter. Against the total premium of Rs.1,72,50,000/-, only Rs.76,88,916/- was deposited. The lease deed was never executed and the industrial project for which the plot had been allotted was also not implemented. These are fundamental obligations arising from the allotment and their continued non-compliance for such a prolonged period cannot be condoned.
8. The plea regarding land acquisition litigation and farmers' agitation also does not come to the aid of the Revisionist. The Respondent Authority had already extended the benefit of zero period from 2011 to 2016 and thereafter granted another opportunity in 2019 for execution of the lease deed and operationalisation of the unit. Despite these benefits and opportunities, the Revisionist neither cleared the outstanding dues nor got the lease deed executed. Such prolonged inaction defeats the very purpose for which an industrial plot is allotted and runs counter to the objectives of industrial development.
9. As regards restoration, the Revisionist was required to submit an application within the prescribed period of 90 days from the date of cancellation. Admittedly, no application for restoration was filed within the said period. Having failed to avail the remedy within the prescribed time, the Revisionist cannot seek revival of the allotment several years thereafter.
10. The reliance placed upon orders passed in other revision matters is also misplaced. The defaults in the instant case date back to 2008, much prior to

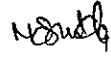
the Covid pandemic, and continued over several years despite the concessions and opportunities extended by the Respondent Authority. Each revision has to be determined on its own factual matrix and relief granted in another matter cannot create an automatic entitlement in favour of the Revisionist.

11. Based on the above discussions, I find no merit in the instant revision petition. No ground for interference with the impugned order is made out. Accordingly, the revision petition is disposed of.

Sd/-  
(Alok Kumar)  
Additional Chief Secretary

Letter No. 5172/77-4-26/53 Appeal/26 Dated:as above

1. Chief Executive Officer, GNIDA
2. M/s Good Luck Traders
3. Director I.T. Invest U.P. – to upload the order on the department's website.
4. Guard file.

By Order  
  
(Nirmesh Kumar Shukla)  
Joint Secretary