



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 24953 of 2025

Saya Zenith Apartment Owners Association

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Abhijeet Mukherji
Counsel for Respondent(s)	:	C.S.C., Tejasvi Misra

Court No. - 39

**HON'BLE ARINDAM SINHA, J.
HON'BLE SATYA VEER SINGH, J.**

1. The writ petition has been specially assigned.
2. Mr. Abhijeet Mukherji, learned advocate appears on behalf of petitioner and submits, his client is association of apartment owners. The builder, for purpose of interim maintenance, had obtained interest free deposit. Upon the apartment owners' association formed the deposit is to be handed over to the it. Prayer in the writ petition is to compel the builder to transfer the fund to his client.
3. He draws attention to order dated 9th September 2025 of coordinate Bench directing service by *Dasti*. Affidavit of service dated 20th September, 2025 has been filed disclosing document to show service, acknowledged on behalf of respondent no. 4 (the builder) as on 16th September, 2025. He seeks direction.
4. Mr. Ashim Mukherji, learned advocate Standing Counsel appears on behalf of State. Mr. Gaurang Tiwari, learned advocate appears on behalf of respondent no. 2 (the Development Authority) and prays for adjournment to obtain instructions. None appears on behalf of respondent no. 4 (the builder).
5. We are satisfied *Dasti* service was made. The affidavit of service also discloses track consignment, which is incomplete. As the Development Authority is seeking adjournment, we require petitioner to obtain track consignment (in respect of respondent no. 4) to also confirm delivery or

otherwise. Petitioner to disclose the document bearing the terms for creation of the deposit, under which the interest free security deposit was created. The disclosure be by affidavit, to be accepted on adjourned date upon advance copy circulated to appearing learned advocates. Petitioner to come equipped with an extra copy for respondent no. 4.

6. List on 24th November, 2025 as fresh.

(Arindam Sinha,J.)

(Satya Veer Singh,J.)

November 10, 2025

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