



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. Mr. Abhijeet Mukherji, learned advocate appears on behalf of petitioner and submits, supplementary affidavit dated 21st November, 2025 was filed. Pages 10 to 12 contain track consignment report.
2. It appears from the report, the undelivered article is on its way back to sender. Mr. Mukherjee points out from our order dated 10th November, 2025, we had recorded satisfaction on service by *Dasti* on respondent no. 4 (the builder). None appears on its behalf.
3. Mr. Ashim Mukherjee, learned advocate, Standing Counsel appears on behalf of State and Mr. Gaurang Tiwari, learned advocate holding the brief appears on behalf of respondent no. 2 (the Development Authority).
4. Petitioner seeks issuance of mandamus to compel respondent no. 4 to refund interest free deposit made by the owners. Mr. Mukherjee submits, it is called IFMS. He refers to pages-22 and 23 in the supplementary affidavit, i.e., show cause notice dated 23rd November, 2021, issued by the Development Authority to respondent no. 4 (the builder) to insist that the deposit is called IFMS.
5. Prayer in the writ petition is for issuance of mandamus upon respondent no. 2 (the Development Authority) to realize entire amount of IFMS with compounding interest from date of formation of petitioner-association. In the circumstances, the Development Authority is to answer. Mr. Tiwari disputes that his client can be so compelled.

6. Respondent no. 2 (the Development Authority) will file affidavit regarding realization of IFMS referred to in its said show cause notice dated 23th November, 2021, issued to respondent no. 4 (the builder). The affidavit will be accepted on adjourned date upon advanced copy served. It is made clear, petitioner since is pressing for orders, omission to file the affidavit will not deter us from passing order to dispose of the writ petition.

7. List on 8th December, 2025 as fresh.

(Arindam Sinha,J.)

(Satya Veer Singh,J.)

November 24, 2025

Shiraz