



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) : Alok Kumar, C.S.C., Himanshu Tyagi,
Tejasvi Misra

Court No. - 29

HON'BLE ARINDAM SINHA, J.

HON'BLE SATYA VEER SINGH, J.

1. The writ petition stands specially assigned.
2. Mr. Alok Kumar, learned advocate appears on behalf of respondent no.4 (the promoter). He files counter dated 17th March, 2026.
3. It appears from, *inter alia*, order dated 8th December, 2025, respondent no.2 (the Development Authority) is to answer. Mr. Tejasvi Mishra, learned advocate appears on behalf of said respondent and with reference to his client's 'short' counter filed, draws attention to second proviso under sub-section (5) in section 14 of U.P. Apartment (Promotion of Construction, Ownership and Maintenance) Act, 2010. He submits, it is the proviso is said to be inserted by amendment. The proviso is reproduced below.

"[Provided further that the amount collected by the promoter towards interest-free maintenance security shall also be transferred to the Association at the time of handing over of the common areas and facilities.]"

He relies on view taken by a learned single Judge of this Court on **judgment dated 1st July, 2024 in Writ-C no.3791 of 2020 (M/S Lotus Boulevard Espacia Apartment Owners Association and 2 others vs. State of U.P. and 5 others)**, paragraphs 13 and 14 to submit, the amendment Act of 2016 never came into force as was not subsequently

notified. He submits further, a Bill was subsequently introduced in the Assembly to repeal, *inter alia*, said Act. On query he seeks adjournment to make submission either that the amendment Act was never notified or notified and repealed on the Bill having been duly passed in the Assembly and assented to as required.

4. Mr. Abhijeet Mukherji, learned advocate appears on behalf of appellant and Mr. Shubhranshu Shekhar, learned advocate, Additional Chief Standing Counsel, for State.

5. List on 10th April, 2026 as fresh.

(Arindam Sinha,J.)

(Satya Veer Singh,J.)

March 18, 2026
Salim