



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CONTEMPT APPLICATION (CIVIL) No. - 5426 of 2025**

Ravish Tiwari

.....Applicant(s)

Versus

Dr. Amit Pal Sharma Vice Chairman, Prayagraj  
Vikas Pradhikaran

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Chandra Bhan Gupta  
Counsel for Opposite Party(s) : Avneesh Tripathi, Vibhu Rai

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**Court No. - 9**

**HON'BLE ROHIT RANJAN AGARWAL, J.**

1. Heard Sri C.B. Gupta, learned counsel for the applicant and Sri Vibhu Rai, learned counsel appearing for opposite party.
2. It is contended by learned counsel for the applicant that writ Court on 17.05.2025 while disposing of writ petition had required the Prayagraj Development Authority to constitute association as mandated under Section 14(2) of Uttar Pradesh Apartment (Promotion of Construction, Ownership, and Maintenance) Act, 2010 (*hereinafter referred as "the Act of 2010"*), within eight weeks.
3. When the said association was not formed, the present contempt application has been preferred.
4. Counsel appearing for opposite party submitted that Section 14(2) mandates that at least 60% occupants should have come forward for formation of the association.
5. Counsel appearing for the applicant submitted that wording of Section 14(2) is not that 60% of the occupants have to come forward for formation of the association but the promoter has to get the association registered if apartments, which have been constructed, have been handed over to the owners or 60% of such apartments have been occupied by owners and the possession has been handed over.
6. Sri Vibhu Rai, learned counsel for opposite party contends that some date

may be fixed for convening meeting and Development Authority shall form the association of whatever member is present.

7. I have heard respective counsel for the parties and perused the material on record.

8. Section 14(2) of the Act of 2010 clearly provides that association has to be registered at the end of promoter when the apartments have been handed over to the owners or sixty percent of such apartments have been handed over.

9. In the instant case, as there are 262 apartments in the project which were launched by promoter, Prayagraj Development Authority and possession of all 262 units have been delivered to their owners, the Prayagraj Development Authority cannot withhold the formation of association as mandated under Section 14(2) of the Act of 2010.

10. In view of said fact, three weeks time is granted to Vice Chairman, Prayagraj Development Authority to get the welfare association constituted. The meeting of the welfare association shall be called on 10.04.2026. On that date, Prayagraj Development Authority shall get the association constituted and registered before authority concerned. The opposite party shall not go into number of members present there at the meeting. It is choice of owners of apartments to join the association or not but the duty cast upon the promoter to get the association registered.

11. In view of said fact, contempt proceedings are deferred.

12. List this matter on 20.04.2026.

13. When the matter is listed next, opposite party shall inform the Court about the registration of the association.

**(Rohit Ranjan Agarwal,J.)**

**March 17, 2026**  
(V.S.SINGH)