

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7320 OF 2021  
(SLP(C) No.13657/2018)

VIJAY KUMAR DEWAN

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

O R D E R

Leave granted.

2. The challenge in the present appeal to an order passed by the High Court of Judicature at Allahabad on 27<sup>th</sup> January, 2016 whereby the cancellation of allotment of Industrial Plot No. 4 & 5 ad-measuring 5757 sq. mt. at Udyog Kendra, Greater Noida Development Authority (Authority) by an order dated 6<sup>th</sup> January 2016 was not interfered with.

3. The plot was allotted for a total premium amount of Rs. 28,78,645/- way back in the year 1999. The appellant deposited a sum of Rs.3,20,000/- towards allotment money as well some installments. The appellant was also required to deposit a sum of Rs. 71,966.12 per annum for first ten years. An amount of Rs. 7,09,17,387/- remained unpaid.

4. The appellant failed to deposit Rs. 7,09,17,387/- as balance lease premium amount and lease rent. It has come on record that the appellant was issued various notices such as 15<sup>th</sup> April, 2009

and 9<sup>th</sup> July, 2009 seeking explanation from the appellant but no such explanation was submitted. On 9<sup>th</sup> September, 2012 and 24<sup>th</sup> September, 2012 notice was issued to the effect that if the appellant fails to deposit the amount in favour of the authority, the process of cancellation of allotment shall be processed. The appellant did not deposit any money. Subsequently, show cause notices were issued on 30<sup>th</sup> June, 2015 and 7<sup>th</sup> August 2015 as to why the allotment of the plot shall not be cancelled since no response was given to the said show cause notices, an order of cancellation of the plot was passed on 6<sup>th</sup> January, 2016.

5. The appellant sought restoration of the plot after cancellation of the plot by his representation submitted on 8.11.2016. The appellant was called upon to pay proportionate land cost amounting to Rs. 11,50,30,995/- as on 15.2.2018; proportionate lease rent of Rs. 1,83,57,286/-; restoration fee of Rs. 59,50,159/- and 18% interest, GST of Rs. 10,71,029/- before his request for restoration of plot is considered vide letter dated 2.2.2018.

6. After hearing learned counsel for the parties, we do not find any error in the order passed by the High Court and the Authority. The appellants had filed the additional documents. A perusal of these documents show that the appellant was in default even in respect of payment of monthly electricity dues. Some of the electricity dues, which were not paid, included a sum of Rs. 14,308/- as per bill dated 15<sup>th</sup> February, 2006; sum of Rs. 16,977.24 as per bill dated 11<sup>th</sup> October, 2008 and many other bills which have been produced by the appellant.

7. In view of the said fact, we are satisfied that the appellant was not in a position to deposit either yearly lease or the balance premium amount. Therefore, cancellation of the plot and the forfeiture of the amount deposited cannot be said to be illegal or unjustified as the very purpose of allotment to promote industrial in the state was being defeated.

8. Thus the appeal is dismissed.

9. However, in terms of an order passed by this Court on 13.4.2018, the appellant had deposited the amount admitted by him to be due. The said amount along with accrued interest be refunded back within one month. Since the plot stands resumed by the authority, the appellant shall not be liable to pay any amount.

The Civil Appeal is dismissed.

All pending applications stand disposed of.

.....J.  
[HEMANT GUPTA]

.....J.  
[V. RAMASUBRAMANIAN]

NEW DELHI  
1ST DECEMBER, 2021

ITEM NO.9

COURT NO.11

SECTION XI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 13657/2018  
(Arising out of impugned final judgment and order dated 27-01-2016  
in WP(C) No. 3081/2016 passed by the High Court of Judicature at  
Allahabad)

VIJAY KUMAR DEWAN

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH &amp; ANR.

Respondent(s)

(IA No. 48309/2018 - CONDONATION OF DELAY IN FILING  
IA No. 48310/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT  
IA No. 17997/2019 - EXEMPTION FROM FILING O.T.  
IA No. 49619/2018 - EXEMPTION FROM FILING O.T.  
IA No. 48311/2018 - EXEMPTION FROM FILING O.T.  
IA No. 124271/2019 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES  
IA No. 49618/2018 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

Date : 01-12-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HEMANT GUPTA  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Vishwajit Singh, Adv.  
Mr. Pankaj Singh, Adv.  
M/S. Vidhi International, AOR

For Respondent(s) Mr. Ravindra Raizada, AAG  
Ms. Alka Sinha, Adv.  
Mr. Anuvrat Sharma, AOR  
Mr. Ravindra Kumar, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Delay condoned.

Leave granted.

The Civil Appeal is dismissed in terms of the Signed Order.

All pending applications stand disposed of.

(SONIA BHASIN)  
COURT MASTER (SH)

(RENU BALA GAMBHIR)  
COURT MASTER (NSH)

[Signed Order is placed on the file]

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

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