



2026:AHC:42078

HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC REVIEW APPLICATION No. - 264 of 2025

A.F.R

Judgement Reserved on 10.02.2026

Judgement Delivered on 25.02.2026

Greater New Okhla Industrial Development
Authority

.....Applicant(s)

Versus

M/S. Elevator Properties Pvt. Ltd.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Vineet Pandey
Counsel for Opposite Party(s)	:	C.S.C., Uma Nath Pandey

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. Heard Sri M.C. Chaturvedi, learned Senior Counsel assisted by Sri Vineet Pandey, learned counsel for the applicant for review/respondent and Sri Uma Nath Pandey, learned counsel for the opposite party/writ petitioner and perused the record.

2. The present review application has been filed with the prayer to review the judgement and order dated 09.06.2025 passed in Writ C No.10075 of 2024.

3. Sri M.C. Chaturvedi, learned Senior Counsel placed reliance upon the ground Nos.7, 11 & 25 of the review application which reads as follows:-

7. Because in the impugned order dated 23.11.2023, on the basis of the record, a categorical finding has been returned that the entire sector in which the demised land is situated is a completely developed sector with all the world class infrastructure facilities. The petitioner has concealed material facts in the writ petition and therefore the petition deserved to outrightly rejected on this ground alone.

11. Because the amendment, 2022 is in addition to the conditions stipulated in the lease deed dated 16.08.2010, which does not contemplate any service of notice of cancellation on account of non-development of the land. The contractual obligations are totally

binding upon the petitioner, hence it cannot absolve from its liabilities for non-performance by taking support of a government order/amendment, which is not applicable in the present case.

25. Because the government order dated 30.07.2021 provides for service of notice only to the allottees who could not utilize the land for the purpose it was allotted within five (5) years from the date of possession. Hence, the interpretation to the service of notice has been clearly spelled out by the respondent no.1 with respect to such notice and the petitioner unquestionably does not qualify for being served any notice and the automatic cancellation of allotment is applicable in the present case.

4. In support of the aforesaid grounds, he placed reliance upon following portion of the order dated 30.06.2023 passed by the State Government :-

(2) आन्तरिक विकास कार्य (एप्रोच रोड, विद्युत आपूर्ति, जलापूर्ति, इत्यादि कार्य) पूर्ण की माँग

याची कम्पनी द्वारा आवंटित भूखण्ड पर आवंटन के लगभग 10 वर्षों के उपरान्त भूखण्ड पर एप्रोच रोड, विद्युत आपूर्ति, जलापूर्ति, इत्यादि कार्य पूर्ण न होने का आधार मात्र अपील को बल देने के उद्देश्य से किया जा रहा है। याची द्वारा वर्तमान तक प्राधिकरण में कभी भी भूखण्ड पर एप्रोच रोड, विद्युत आपूर्ति, जलापूर्ति, इत्यादि कार्य पूर्ण न हाने के संबंध में कोई साक्ष्य उपलब्ध नहीं कराया गया है और न ही उक्त अपील के साथ कोई साक्ष्य सलग्न किया गया है। अवगत कराना है कि याची कम्पनी को जिस सैक्टर के अन्तर्गत भूखण्ड आवंटित किया गया है उस सैक्टर में आई०टी० एवं संस्थागत के अन्य भूखण्ड भी आवंटित हैं, जिसमें से कतिपय आवंटनों में आवंटियों द्वारा उन्हें आवंटित भूखण्डों पर परियोजना निर्मित कर क्रियाशील किया जा चुका है तथा कतिपय भूखण्डों पर निर्माण कार्य तीव्र गति से प्रगति पर है। उदाहरण स्वरूप संस्थागत योजनान्तर्गत आवंटित मैसर्स बेनेट इन्सटिट्यूट ऑफ हायर एजुकेशन, भूखण्ड संख्या-8,9,10,11 वर्तमान में क्रियाशील है इसके अतिरिक्त उक्त सैक्टर में ही आवंटी कम्पनी के सनिकट आई०टी०/आई०टी०ई०एस० प्रयोगार्थ हेतु मैसर्स समरागी इन्फोटेक प्रा० लि० को आवंटित भूखण्ड संख्या-टीजैड -04, पर तीव्र गति से निर्माण कार्य चल रहा है।"

5. It is argued by learned Senior Counsel that various aspect of the matter were not taken into consideration while allowing the writ petition. It is argued that in the impugned order dated 23.11.2023, cogent finding has been returned that the entire sector in which the demised land is situated is a completely developed sector with all the world class infrastructure facilities which fact has concealed

by the petitioner, therefore, the writ petition deserved to be rejected. It is further argued that the amendment made by the State Government by U.P. Act, No.5 of 2022 in addition to the condition stipulated in the Lease Deed dated 16.08.2010 which does not contemplate any service of notice of cancellation on account of non-development of land. It is further argued that Government Order dated 30.07.2021 provides for service of notice only to the allottees who could not utilized the land for the purpose for which it was allotted within five years from the date of possession.

6. On the other hand, it is argued by Sri Uma Nath Pandey, learned counsel for the opposite party/writ petitioner that all aspects of the matter has already been dealt with by the Writ Court in its judgement & order dated 09.06.2025. It is further argued that no notice had been issued to the petitioner prior to three months, i.e., on 31.12.2022 which is condition precedent as per proviso of Section 7 as amended by Act No.5 of 2022. It is further argued that there is no provision in the proviso to issue any notice after 31st December, 2022, hence the order of cancellation as well as order passed in the Revision by the State Government which were based upon proviso (d) & (e) of Section 7 of the Act, is without jurisdiction. Sri Uma Nath Pandey, learned counsel placed reliance upon the law laid down by Hon'ble Supreme Court in review petition of ***Sanjay Kumar Agrawal Vs. State Tax Officer (1) and another connected with other review petitions reported in (2024) 2 SCC 362.***

7. Heard learned counsel for the parties and perused the record.

8. From perusal of the record specially the judgement dated 09.06.2025 passed in Writ C No.10075 of 2024, it transpires that after noting down the entire argument made by learned counsel for the parties, order of cancellation as well as order passed by the State Government were set aside on the ground that no notice has been issued to the writ petitioner prior to three months of 31st December, 2022. In this view of the matter, findings recorded by the writ Court that both the orders are without jurisdiction. Relevant paragraphs of the judgment & order dated 09.06.2025 reads as follows:-

18. Thus, the aforesaid provisions make it mandatory to the development authority to issue notice of three months prior to 31.12.2022, i.e. upto 30.9.2022 to complete the construction by 31.12.2022. There is no provision in amending the Act empowering

the authority to issue notice after 31.12.2022. The intention of legislature is clear that the development authority has to issue notice to all the allottee as contemplated under proviso (d) and the allotment shall stand automatically cancelled by 31.12.2022.

19. In the present case, no notice has been issued to the petitioner prior to 3 months of 31.12.2022. Under the provisions, the said notice is alleged to have been issued under proviso to section 7 (as amended by Act No. 5 of 2022), whereas, there is no provision in proviso to issue any notice after 31.12.2022. Thus, the impugned orders of cancellation which are based on proviso (d) & (e) of section 7 of the Act is without jurisdiction and the development authority has no authority or jurisdiction to issue such notice and passed consequential order after 31.12.2022.

20. Since the impugned orders are wholly without jurisdiction, as such, hereby quashed. The findings recorded by the Revisional Authority that the notice was issued more than 3 months prior to passing of the order of cancellation is wholly perverse. No notice could be issued after 30.09.2022 as provided under proviso (d) of Section 7 of the Act.

21. In view of the aforesaid, the impugned order dated 30.6.2023 passed by the respondent no.2-Greater Noida Industrial Development Authority and consequential order dated 23.11.2023 passed by the respondent no.1-Principal Secretary, Industrial Development, Civil Secretariate, U.P., Lucknow are hereby quashed. The petitioner is entitled for all the consequential benefits.

9. The relevant findings recorded in the judgement & order dated 09.06.2025 which is quoted above has not been denied by learned counsel for applicant for review either in the grounds of review or during course of arguments.

10. In paragraph 9 & 10 of the judgement of **Sanjay Kumar Agrawal (supra)**, scope of review has been dealt with in great detail which reads as follows:-

9. In the words of Krishna Iyer J., (as his Lordship then was) "a plea of review, unless the first judicial view is manifestly distorted, is like asking for the Moon. A forensic defeat cannot be avenged by an invitation to have a second look, hopeful of discovery of flaws and reversal of result. A review in the counsel's mentation cannot repair the verdict once given. So, the law laid down must rest in peace."

10. It is also well-settled that a party is not entitled to seek a review of a judgment delivered by this Court merely for the purpose of a

rehearing and a fresh decision of the case. The normal principle is that a judgment pronounced by the Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.

11. After quoting down the aforesaid principles, certain principles/guidelines were laid down by the Hon'ble Supreme Court in paragraph 16 of the judgment of **Sanjay Kumar Agrawal (supra)** which reads as follows:-

16. The gist of the aforestated decisions is that:

16.1. A judgment is open to review inter alia if there is a mistake or an error apparent on the face of the record.

16.2. A judgment pronounced by the court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.

16.3. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record e justifying the court to exercise its power of review.

16.4. In exercise of the jurisdiction under Order XLVII Rule 1 CPC, it is not permissible for an erroneous decision to be "reheard and corrected".

16.5. A review petition has a limited purpose and cannot be allowed to be "an appeal in disguise".

16.6. Under the guise of review, the petitioner cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.

16.7. An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.

16.8. Even the change in law or subsequent decision/judgment of a coordinate or larger Bench by itself cannot be regarded as a ground

for review.

12. After noting down the aforesaid principles, it was held by the Hon'ble Supreme Court that review petition should be examined in the ambit of Order XLVII Rule 1 C.P.C.

13. From perusal of the record as well as arguments as has been raised by learned counsel for the parties, it is clear that review-petitioner/respondent in the writ petition seeking review of the judgement delivered by this Court merely for the purpose of rehearing and fresh decision of the case. Normally the principal is that a judgement pronounced by Court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do so.

14. In ***Parsion Devi v. Sumitri Devi (1997) 8 SCC 715*** it was held by the Hon'ble Supreme Court that a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. Paragraph 9 of the aforesaid judgement reads as follows:

"9. Under Order XLVII Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order XLVII Rule 1 CPC. In exercise of the jurisdiction under Order XLVII Rule | CPC it is not permissible for an erroneous decision to be "reheard and corrected A review petition, it must be remembered has a limited purpose and cannot be allowed to be "an appeal in disguise"." (emphasis supplied)

15. In the case of ***Shanti Conductors (P) Ltd. Assam SEBI reported in (2020) 2 SCC 677*** a three-Judge Bench of the Hon'ble Apex Court following the judgement of ***Parsion Devi (supra)*** dismissed the review petitions holding that the scope of review is limited and under the guise of review, the parties cannot be permitted to reagitate and reargue the questions which have already been addressed and decided.

16. In this view of the matter and above stated possession, Court is of the opinion that judgement in question does not fall within the scope and ambit of review. The learned counsel for the review petitioners have failed to make out

any mistake or error apparent on the face of record in the impugned judgment, and have failed to bring the case within the parameters laid down by this Court as well as Hon'ble Supreme Court in various decisions for reviewing the impugned judgment.

17. In that view of the matter, the review petition is dismissed. No order as to costs.

(Prakash Padia,J.)

February 25, 2026
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