

**Chief Justice's Court**

**Case :-** WRIT - C No. - 16196 of 2023

**Petitioner :-** Kadam Developers Pvt. Ltd. And Another

**Respondent :-** Yamuna Expressway Industrial Development Authority And 3 Others

**Counsel for Petitioner :-** Priyanka Midha, Ram M. Kaushik

**Counsel for Respondent :-** C.S.C., Praveen Kumar

**Hon'ble Pritinker Diwaker, Chief Justice**

**Hon'ble Saumitra Dayal Singh, J.**

1. Heard Sri Ashish Dholakia and Sri Amit Saxena, Senior Advocates assisted by Ms. Priyanka Midha, Sri Jatin Sehgal, Ms. Devna Soni, Sri Ram Kaushik and Sri Subhashish, learned counsel appearing on behalf of the petitioners and Sri Manish Goel, Senior Advocate assisted by Sri Aditya Bhushan Singhal, learned counsel for respondent no. 1 and Sri Mohan Srivastava, learned counsel for the State.

2. Challenge has been raised to the notice dated 11.04.2023, issued by the Assistant General Manager (Property), Yamuna Expressway Industrial Development Authority (hereinafter referred to as 'YEIDA') and the consequential notices dated 13.04.2023 and 19.04.2023 issued by M/S J.P. Infratech Limited (a private corporation) to the present petitioners.

3. Undisputedly, a lease deed was executed by the YEIDA for a parcel of land, described as LFD-01, in favour of M/S J.P. Associates Limited. Subsequently, a sub-lease deed was executed with respect to a portion of that land, in favour of the petitioner no. 1 as it then was, i.e., part of the Shipra Group of Companies.

4. Undisputedly, the sub-lease deed is a registered document. It was executed on 31st March, 2008. For the first time, vide notice

dated 11.04.2023, the YEIDA appears to have formed an opinion that the petitioners have committed some violations, that have exposed them to cancellation of the sub-lease deed. Accordingly, it has directed the J.P. Infratech to take appropriate action viz-a-viz to cancel the sub lease deed and to initiate other proceedings. Thus, the present petition.

5. Learned Senior Counsel appearing for the petitioners have advanced four fold submissions. First, it has been submitted, there is inherent lack of jurisdiction with the YEIDA to initiate any action having effect of cancellation of duly executed sub-lease deed; second, there is no authority vested in YEIDA to delegate the power to cancel a lease on a private corporation, such as, J.P. Infratech, to draw any proceedings to cancel the sub-lease executed in favour of the petitioners by the lease; third, it has been submitted, the notice dated 11.04.2023 and consequential notices dated 13.04.2023 and 19.04.2023, are wholly vague and incapable of any intelligent reply; last, it has been submitted that the notice dated 11.04.2023 is a dictate, issued to the private corporation to cancel the sub-lease deed executed by it. Therefore, the entire proceedings, that originated from the notice dated 11.04.2023, is a forgone conclusion as may completely violate essential principles of natural justice.

6. On the other hand, learned Senior Counsel appearing for the YEIDA has relied on Section 14 of the U.P. Industrial Area Development Act, 1976 (hereinafter referred to as 'the Act'), to establish the source of power to cancel the sub-lease deed.

7. While such and other submissions are being advanced, learned Senior Counsel appearing for the YEIDA also fairly states, at present, certain defects do exist in the proceedings. He, therefore, seeks liberty of the Court to withdraw the notice dated 11.04.2023

with further liberty to issue a fresh notice, in case, just cause exists, that too strictly in accordance with law.

8. On further query, learned Senior Counsel for YEIDA submitted, the notices issued by the J.P. Infratech, are purely consequential to the notice dated 11.04.2023. The petitioner may stand fully protected as no proceedings may arise or be continued in pursuance of those notices after the original notice dated 11.04.2023 is withdrawn by the YEIDA, with liberty as above.

9. In view of the fair statement made, we are disinclined to offer any adjudication at this stage. Accordingly, the notice dated 11.04.2023 is recorded to have been withdrawn by the YEIDA. Consequently, the consequential notices dated 13.04.2023 and 19.04.2023 fall on their own. However, as prayed, liberty is given to the YEIDA to proceed in accordance with law.

10. Disposed of.

**Order Date :- 11.5.2023**

Shiraz

(S.D. Singh, J.)

(Pritinker Diwaker, C.J.)