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Allahabad High Court Denies Jaypee's Interim Plea To Sell Land For Clearing Dues When Allotment Stands Cancelled By Yamuna Expressway Authority

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The Allahabad High Court has declined the proposal of M/s Jai Prakash Associates (Jaypee) to sell off certain portion of the 1,000 hectares land earlier allotted to it under the Special Development Zone Project in the Yamuna Expressway Development Area, for clearing the dues of YEIDA (Yamuna Expressway Industrial Development Authority).

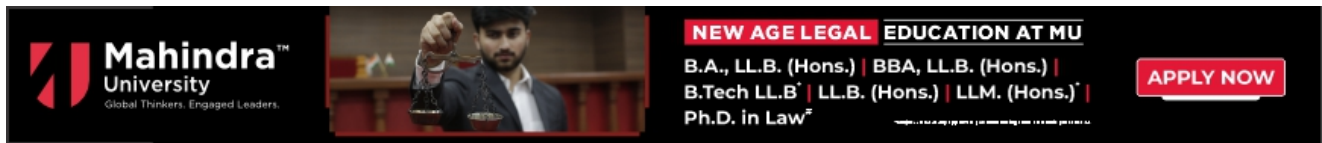
The bench comprising **Chief Justice Pritinker Diwaker** and **Saumitra Dayal Singh** noted that allotment already stands cancelled and hence it cannot permit such sale as it would amount to an interim relief in the nature of final relief.

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The Court was hearing Jaypee's challenge to the cancellation of allotment. The question before the Court is whether the cancellation of the allotment was within the jurisdiction of YEIDA or otherwise legal. An interim order of status quo is already in operation. Court observed,

"In face of the order of cancellation of allotment and during its continuance, we cannot grant an interim protection to allow the petitioner to deal with or sell any part of the disputed property. To do that would be to set aside the cancellation of allotment, at least to the extent petitioner would have been permitted to deal with and sell the land over which its allotment has been cancelled by YEIDA. Though that relief is not prohibited in law, by very nature of the relief claimed, it may be granted at the stage of final hearing and not by way of interim protection."

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Court said it would have been different had the parties arrived at a settlement.

Since Jaypee defaulted in payments of leased rent, premium and interest on the allotted land, lease deeds for the entire 1000 Hectare were cancelled by YEIDA in 2019. At the initial stage of hearing, the Counsel for Petitioner had submitted that amount of Rs.2,379.74 crores had already been paid to YEIDA. Only Rs. 359.81 crores was outstanding on 31.07.2017. Further, since substantial development had been done over the land, cancellation of the entire lease deed was arbitrary and disproportionate.

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An interim order was granted in subject to the terms below:

“(i) Petitioner-M/S Jai Prakash Associates Ltd. shall deposit Rs.100 crores with respondent-2 within one month but in two parts. Rs.50 crores shall be paid by 10th of March, 2020 and another Rs.50 crores shall be paid by 25th of March, 2020.

(ii) Subject to payment of aforesaid amount, parties shall maintain status quo as on the date, in respect of property in dispute.

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(iii) We make it clear that in case petitioner fails to deposit Rs.50 crores by 10th of March, 2020, this interim protection shall automatically stand vacated and respondents shall be free to proceed further.

(iv) Similarly, if first instalment of Rs.50 crores is paid but default is committed in compliance of direction with respect of payment Rs.50 crores payable upto 25th of March, 2020, in that case also interim protection granted by this Court shall stand automatically vacated and respondents shall be free to proceed further."

At the present stage, Counsel for Petitioner presented a composite settlement proposal before the Court. It was suggested that during the pendency of the petition, 150 Hectare of the land be given back to Jaypee to sell and the money from such sale would be transferred to YEIDA to pay its dues. The remaining amount would be placed in an escrow amount pending the final decision by the Court. The consortium of banks who had provided loans to the Petitioner had consented to the settlement offer.

Further, Counsel for Petitioner alleged that YEIDA was wrongly trying to recover the interest on additional compensation to be paid to the farmers, when YEIDA had not paid any interest to the farmers (original landowners). To this, the Counsel for YEIDA submitted that no interest on additional compensation has been paid to the farmers till date. However, they may be required to do so in future, since litigation is pending before the Supreme Court.

Counsel for YEIDA refused to accept any settlement offered by Jaypee. Instead, a demand for 10% of Rs. 3621,50,48,489/- (pending dues) has been raised for restoration of the lease deeds.

While observing that the parties could not reach any settlement, the Court held that for the last three years Jaypee has been protected by the order of 'status quo' and thus needs no further protection.

"Though that relief is not prohibited in law, by very nature of the relief claimed, it may be granted at the stage of final hearing and not by way of interim protection. It is for that reason that we had allowed the petitioner to negotiate with YEIDA so that a consented order may arise, if terms of settlement could have been agreed to. Settlement having failed, we do not find any good ground to interfere at this stage and pass an interim order as may be in the nature of final relief," said the Court.

Further, the Court noted that concerns of the home buyers regarding the completion of the projects cannot be dealt with at this stage in the present petition, as it only relates to the validity and legality of cancellation of lease deeds by YEIDA.

Jaypee has deposited Rs. 200 crores pursuant to various interim orders passed by the Court from time to time.

Case Title: M/S Jai Prakash Associates Ltd v. State of U.P. and Another [Writ C No. 6049/2020]

Appearance: Senior Advocate Jayant Bhushan assisted by Advocates Vishal Gupta, Rohan Gupta and Amartya Bhushan- counsel for the petitioner; Senior Advocate Manish Goyal assisted by Advocates Syed Imran Ibrahim, Praveen Kumar, Pranav Tanwar, Gaurav Tripathi- counsel for YEIDA; Advocate Rahul Agrawal- counsel on behalf of intervener-banks; Senior Advocate Anoop Trivedi assisted by Advocate Abhinav Gaur for Home Buyers Association; Advocate Anuj Bhandari- counsel for individual home buyers.

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While dealing with a reference concerning certain advocates' alleged misbehaviour with a lady judicial officer in the Barabanki judgeship last year, the **Allahabad High Court** has directed the Forensic Science Laboratory, Lucknow to examine the CCTV footage of the incident.

The bench of **Justice Sangeeta Chandra and Justice Narendra Kumar Johari** ordered thus after finding several unexplained suspicious circumstances surrounding the CCTV footage of the incident which took place during certain days of September and October 2022.

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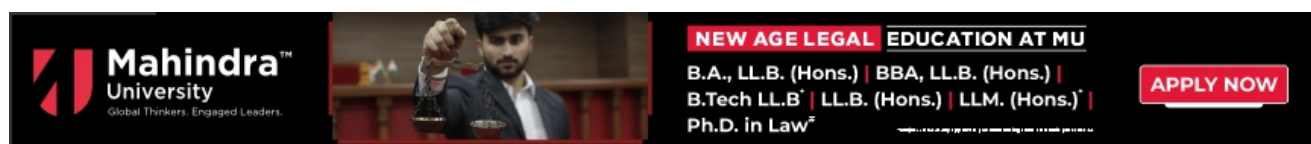
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“This Court fails to understand that without there being any technical fault reported earlier, footage could be retrieved of only a few hours on each day. There is no report of any technician repairing the cameras. There is considerable doubt in the mind of this court that the CCTV footage have been tampered with/deleted.”

In view of this, the Court has directed the Senior Registrar to send the CCTV footage sent by the A.D.J.-I, Barabanki to the Forensic Science Laboratory, Lucknow with a request to the Director to examine the same, especially with regard to the question of deletion/tampering and submit his report by the next date of listing.

The background of the case

The occasion to pass the above order arose before the HC while dealing with a Reference made to it last year by the court of Sushri Arpita Sahu, Civil Judge (JD), (then posted at) Ramsanehighat at Barabanki under Section 15(2) of the Contempt of Courts Act, 1971.

In her reference, she had levelled allegations against **Advocate Ritesh Mishra, General Secretary, District Bar Association, Barabanki and Mohan Singh, Senior Vice President, District Bar Association, Barabanki** of using abusive language against her and thereby lowering the authority of the court and interfering with the due course of judicial proceedings.

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While dealing with the above reference, the High Court, vide order dated October 17, 2022, directed the First A.D.J., Barabanki to preserve all the CCTV footage relevant to the court of the Judicial officer including the corridors and other areas leading to it for the period September 06, 2022 till October 08, 2022.

Now, on July 17, when the HC perused the report submitted by A.D.J.-I, Barabanki, the Court found that there were 32 CCTV cameras installed in the court campus of which 14 alone were operating and 18 had become dysfunctional.

The Court further noted that on the 19th, 20th, 21st, 24th of September and 7th of October, the cameras were working for a certain time period only, while on the 8th of October, the entire day's footage was available.

In view of this, the Court came to a prima facie conclusion that the CCTV Footage may have been tampered and hence, the Court directed for the forensic examination of the same. With this, the Court posted the case for further hearing on August 4.

Counsel for Opposite Party: Virendra Kumar Shukla, Divyarth Singh Chauhan, Farooq Ayoob, Himanshu Suryavanshi, Lalita Prasad Misra, Rashmi Pandey

Case title - State of U.P. vs. Ritesh Mishra And 4 Others [CONTEMPT APPLICATION (CRIMINAL) No. - 9 of 2022]

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Court No. - 10

**Case :- CONTEMPT APPLICATION (CRIMINAL)
2022**

Applicant :- State of U.P.

Opposite Party :- Ritesh Mishra And 4 Others

Counsel for Applicant :- G.A.

Counsel for Opposite Party :- Virendra Kumar Shukla, Divyarth Singh Chauhan, Farooq Ayoob, Him Suryavanshi, Lalita Prasad Misra, Rashmi Pandey

Hon'ble Mrs. Sangeeta Chandra, J.

Hon'ble Narendra Kumar Johari, J.

This Court has perused the report submitted to Barabanki in compliance of this Court's order to j CCTV footage relating to the incident that occu outside court No.14. From the said report, it is evide were 32 CCTV cameras installed in the court camp 14 alone were operating and 18 had become dysfu 19th September, 2022 also such 18 cameras were dy They were repaired but due to technical fault in so the CCTV footage has not been taken of the entire c September, 2022, the cameras were working from 2 12.00 O'clock in the mid night; on 20th September were working from 12.00 O'clock in the mid night t on 21.09.2022 the footage is available from 10.00 5.00 P.M.; on 22.09.2022 footage is available from till 12.00 O'clock in the noon; on 24.09.2022 available from 11.00 A.M. till 5.00 P.M.; on 29.09.2 is available from 11.30 A.M. to 3.00 P.M.; on footage is available from 5.50 P.M. up to 12.00 (night and on 08.10.2022 the entire day's footage is a

This Court fails to understand that without there

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[Cheating] Vires Of Section 420 IPC Challenged Before Allahabad High Court

A writ petition has been filed before the Allahabad High Court challenging the vires of Section 420 of IPC (Cheating and dishonestly inducing delivery of property) on the grounds that it is violative of Article 14 and Article 21 of the Constitution. Counsel for Petitioners argued that there is no material difference between the offence of cheating...

Samvasini Case: Allahabad HC Stays Coercive Action Against Randeep Surjewala Till Disposal Of His Plea For Legible Documents U/s 207 CrPC

The Allahabad High Court has stayed coercive action against Congress leader and Rajyasabha MP Randeep Singh Surjewala till the disposal of his application before the Varanasi Court to provide him with Legible documents including the charge sheet under section 207 CrPC in the 23-year-old case of damage to public property. The bench of Justice...

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Mere Pendency Of Criminal Case No Ground To Cancel Arms License In Absence Of Clear Finding Of Threat To Public Peace: Allahabad High Court

The Allahabad High Court has reiterated that pendency of criminal cases cannot be the sole ground for cancellation of firearm license in the absence of a specific recording by a competent authority that possession of the same would be dangerous to public peace, safety and security. Relying on the decision of a coordinate bench in Ram Prasad v....

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Allahabad HC Stays Single Judge's Judgment Reading Down 'Regulation 40 (1)' Of 'UP Intermediate Education Act' Regarding 'Name Change'

The Allahabad High Court has stayed the effect and operation of the May 2023 judgment and order of a Single Judge reading down Regulation 40 (1) of the Uttar Pradesh Intermediate Education Act 1921 which prohibits acceptance of any application filed by a person seeking to change his name in his educational document adopting nicknames, names...

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Daughters Can Apply For Compassionate Appointment Irrespective Of Their Marital Status: Allahabad High Court On Co-op Society Regulations

The Allahabad High Court struck down the word 'unmarried' occurring before 'daughter' in the note appended to Regulation 104 of U.P. Cooperative Societies Employees' Service Regulations, 1975 which governs eligibility for compassionate appointment. A bench comprising Justices Devendra Kumar Upadhyaya and Om Prakash Shukla observed that the State...

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CRPF | Denying Employment/Promotion To HIV-Positive Person Is Violative Of Articles 14, 16 And 21: Allahabad High Court

In a significant verdict, the Allahabad High Court has held that a person, who is otherwise fit, could not be denied employment only on the ground that he or she is HIV positive and this principle also extends to grant of promotion."In any case, a person's HIV status cannot be a ground for denial of promotion in employment as it would be...

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Burden To Prove Employee's 'Wilful' Absence From Service Is On Disciplinary Authority: Allahabad High Court

The Allahabad High Court has held that in departmental proceedings, burden to prove that the unauthorized absence was 'wilful' is on the disciplinary authority. In absence of such finding, unauthorized absence does not amount to misconduct. The observation was made by a bench of Justice Irshad Ali while hearing the plea moved by a Medical Officer...

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Allahabad High Court Grants Interim Relief To Accused Who Were Denied Anticipatory Bail Due To Citing Of Repealed Law

While dealing with the second anticipatory bail plea of two accused, the Allahabad High Court last week granted them interim protection from arrest till the next date of hearing as it noted that they were earlier denied anticipatory bail due to the fact that the state counsel had cited a repealed law (Petroleum Rules, 1976). "In view of the...

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Adipurush Row| 'Obnoxious Story Has Hurt Sentiments Of Followers Of Sanatan Dharma': Plea In Allahabad HC Seeks Quashing Of CBFC Certificate

An amendment application has been filed before the Allahabad High Court in a pending Public Interest Litigation (PIL) plea (filed last year) against the exhibition of the Prabhas, Saif Ali Khan and Kriti Sanon starrer movie-Adipurush. The plea says that the "obnoxious" story of the movie is "against the decency, morality and prestige of God and...

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Centre Notifies Transfer Of Justice Dinesh Kumar Singh From Allahabad HC To Kerala High Court

The Central Government has notified the transfer of Justice Dinesh Kumar Singh from Allahabad High Court to Kerala High Court, following the Supreme Court Collegium's recommendation in this regard. On July 12, 2023, the Supreme Court Collegium had recommended Justice D.K. Singh's transfer to Kerala High Court, and thereby rejected his request...

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Centre Notifies Transfer Of Justice Manoj Bajaj From P&H HC To Allahabad High Court

The Central Government has notified the transfer of Justice Manoj Baja from the Punjab and Haryana High Court to the Allahabad High Court pursuant to a proposal made by the Supreme Court Collegium. On July 12, the 5-member collegium led by Chief Justice of India DY Chandrachud had recommended his transfer rejecting his request to allow him to...

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