

AFR

**Court No. - 5**

**Case :-** WRIT - C No. - 12574 of 2020

**Petitioner :-** M/S Paramount Prop Build Pvt. Ltd Through  
Its Signatory Mr. Anil Kumar Gupta

**Respondent :-** State Of U.P. And 49 Others

**Counsel for Petitioner :-** Syed Imran Ibrahim,Gaurav  
Tripathi

**Counsel for Respondent :-** C.S.C.,Ajeet Kumar  
Singh,Archana Singh,Wasim Masood

**Hon'ble Surya Prakash Kesarwani,J.**

**Hon'ble Dr. Yogendra Kumar Srivastava,J.**

1. Heard learned counsel for the petitioner, learned Standing Counsel for the respondent no. 1 and Sri Wasim Masood, learned counsel for the respondent no. 3.

2. The petitioner is promoter of 'Paramount Golf Foreste' project. The respondent nos. 4 to 50 are allottees, who have filed complaints before the Real Estate Regulatory Authority, Gautam Budh Nagar. By the impugned orders, the authority has directed the petitioner to handover possession of the apartments to the allottees within sixty days and also to pay interest on delayed completion of project.

3. Aggrieved with the impugned orders, the petitioners have filed present writ petition.

4. This Court specifically confronted the learned counsel for the petitioners with the provisions of Section 43 (5) of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as 'the Act, 2016) and as to whether the petitioner would exercise the option to avail the remedy of appeal but the learned counsel for the petitioner stated that he desired to raise a challenge to the jurisdiction of the

authority to pass the impugned orders and in light of the same, he may be permitted to press the writ petition and therefore the writ petition may be heard.

5. With the consent of learned counsel for the parties, the writ petition is being finally heard without calling for a counter affidavit.

6. Briefly stated facts of the present case are that the petitioner is promoter of 'Paramount Golf Foreste' project for construction of apartments. The respondent nos. 4 to 50 booked the apartments with the petitioner. The petitioner issued allotment letters dated 10.08.2011 to them. However, the petitioner could not complete the project within the given time and could not handover possession of the apartments to the allottees. Consequently, the respondent allottees filed complaint before the Real Estate Regulatory Authority, Gautam Budh Nagar alleging that the completion of project is delayed by more than four years and they claimed interest and possession of the apartments. Before the authority, the petitioner raised objection as to the jurisdiction on the ground that the project in question does not fall within the definition of 'ongoing project' as defined in Rule 2 (h) of the Uttar Pradesh Real Estate (Regulation and Development) Rules, 2016 (in short 'the Rules, 2016'). The authority considered the evidence on record and also the facts noticed in the inspection made by the technical team on 24.07.2019 and recorded a finding of fact that the project is still incomplete and some No Objection Certificates (for short 'NOC') including NOC of fire fighting etc. relating to some technical work had not been obtained. The authority recorded findings of fact and passed the impugned orders dated 18.10.2019.

7. Aggrieved with the impugned orders dated 18.10.2019 directing the petitioner to handover the possession of the apartments to the allottees within sixty days and to pay interest on delayed completion of project, the petitioner has filed the present writ petition.

8. Learned counsel for the petitioner submits that the project of the petitioner is not 'ongoing project' inasmuch as the petitioner had applied for completion certificate with the Uttar Pradesh State Industrial Development Corporation on 13.10.2016 and therefore in terms of the provisions of Rule 2 (h) of the Rules, 2016, the project in question is not 'ongoing project' and consequently, the project was not required to be registered under Section 3 (1) of the Act, 2016, and the RERA Authority did not have the jurisdiction to look into the complaint made by the allottees.

9. No other submissions have been made before us by learned counsel for the petitioners.

10. We have carefully considered the submissions of learned counsel for the petitioners.

11. The provisions of Sections 3 and 59 of the Act, 2016 which are relevant for the purposes of the controversy involved in the present writ petition, are reproduced below:-

**“3. Prior registration of real estate project with Real Estate Regulatory Authority—**(1) No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act:

Provided that projects that are ongoing on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said

project within a period of three months from the date of commencement of this Act:

Provided further that if the Authority thinks necessary, in the interest of allottees, for projects which are developed beyond the planning area but with the requisite permission of the local authority, it may, by order, direct the promoter of such project to register with the Authority, and the provisions of this Act or the rules and regulations made thereunder, shall apply to such projects from that stage of registration.

(2) Notwithstanding anything contained in sub-section (1), no registration of the real estate project shall be required —

(a) where the area of land proposed to be developed does not exceed five hundred square meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases:

Provided that, if the appropriate Government considers it necessary, it may, reduce the threshold below five hundred square meters or eight apartments, as the case may be, inclusive of all phases, for exemption from registration under this Act;

(b) where the promoter has received completion certificate for a real estate project prior to commencement of this Act;

(c) for the purpose of renovation or repair or re-development which does not involve marketing, advertising selling or new allotment of any apartment, plot or building, as the case may be, under the real estate project.

Explanation.—For the purpose of this section, where the real estate project is to be developed in phases, every such phase shall be considered a stand alone real estate project, and the promoter shall obtain registration under this Act for each phase separately.

**59. Punishment for non registration under section 3—**

(1) If any promoter contravenes the provisions of section 3, he shall be liable to a penalty which may extend upto ten percent of the estimated cost of the real estate project as determined by the Authority.

(2) If any promoter does not comply with the orders, decisions or directions issued under sub-section (1) or continues to violate the provisions of section 3, he shall be punishable with imprisonment for a term which may extend upto three years or with fine which may extend upto a further ten percent of the estimated cost of the real estate project, or with both.”

12. We may also advert to Rule 2 (h) of the Rules, 2016.

“2(h) "ongoing project" means a project where development is going on and for which completion certificate has not been issued but excludes such projects which fulfill any of the following criteria on the date of notification of these rules:

(i) where services have been handed over to the Local Authority for maintenance.

(ii) where common areas and facilities have been handed over to the Association for the Residents Welfare Association for maintenance.

(iii) where all development work have been completed and sale/lease deeds of sixty percent of the apartments/houses/plots have been executed.

(iv) where all development works have been completed and application has been filed with the competent authority for issue of completion certificate.”

13. It has been admitted before us that clauses (i), (ii) and (iii) of Rule 2 (h) of the Rules, 2016 are not attracted in the present case and that the claim of the petitioner for exclusion from the definition of 'ongoing project' is on the basis of clause (iv) of Rule 2 (h) of the ground that the petitioner had already filed an application before the competent authority for issuance of completion certificate.

14. In the impugned orders, the authority has recorded a finding of fact based on consideration of relevant evidence on record including the inspection report dated 24.07.2019 that the project is still incomplete. The finding recorded by the authority in the impugned orders that the project is still incomplete and occupancy certificate has yet not been issued is the finding of fact based on consideration of evidence on record. For ready reference, the relevant portion of one of the impugned orders dated 18.10.2019 passed in Complaint No. N.C.r. 144030381/2019 (Pinki Sharma and others Vs. M/s Paramount Probuild Private Ltd.) is reproduced below.

“इस सम्बन्ध मे वास्तविक स्थिति स्पष्ट करने के लिए प्राधिकरण की पीठ की

ओर से विपक्षी द्वारा यू. पी. एस. आई. डी. सी. में दिनांक 01.05.2017 से पूर्व जमा कराये गये सी.सी. को जारी किये जाने के लिए आवश्यक समस्त अभिलेखों जैसे कि –फायर सेफ्टी सार्टिफिकेट, लिफ्ट सार्टिफिकेट, जनरेटिंग सेट सार्टिफिकेट, सी.ए. एवं इंजीनियर्स सार्टिफिकेट आदि की मांग की गयी। जिस पर विपक्षी द्वारा टॉवर स्टूडियो अपार्टमेन्ट, पाईन व ओक की अग्निशमन अनापत्ति प्रमाण पत्र दिनांक 26.12.2017, टॉवर –ए के अग्निशमन एवं सुरक्षा प्रमाण पत्र दिनांक 15.09.2018, अधिष्ठापित 5 नं० लिफ्ट का निरीक्षण प्रमाण पत्र दिनांक 07.11.2017, अधिष्ठापित 4 नं० लिफ्ट का निरीक्षण प्रमाण पत्र दिनांक 07.11.2017, जनरेटिंग सेट का निरीक्षण प्रमाण पत्र दिनांक 11.01.2018, की छायाप्रतियां दाखिल की गयी, परन्तु सी. ए. एवं इंजीनियर्स सार्टिफिकेट, प्रदूषण विभाग, पर्यावरण विभाग, एयरपोर्ट अथॉरिटी के अनापत्ति प्रमाण पत्र की प्रतियां दाखिल नहीं की गयी है। विपक्षी द्वारा पीठ को अवगत कराया गया कि फायर एन.ओ.सी. पूर्व में प्रोविजनल जारी किये गये थे। उपरोक्त प्रमाण पत्रों के प्राप्त होने के उपरान्त प्राधिकरण के पीठासीन अधिकारी के संज्ञान में यह नया तथ्य प्रकाश में आया कि विपक्षी की परियोजना दिनांक 01.05.2017 से पूर्व नहीं था और ओ.सी./सी.सी. के मानकों को बिना पूर्ण किये विपक्षी द्वारा यू.पी.एस.आई.डी.सी. को ओ.सी. हेतु आवेदन किया गया। ऐसे में प्रथम दृष्टया यह प्रतीत होता है कि प्रश्नगत परियोजना का रेस में पंजीकृत कराया जाना अपेक्षित है।

इसके अतिरिक्त प्राधिकरण की पीठ की ओर से दिनांक 24.07.2019 को तकनीकी टीम द्वारा स्थलीय जाँच करायी गयी, जिसकी जाँच आख्या उपलब्ध होने के पश्चात यह पाया कि परियोजना में कुल 8 टॉवर, जो कि टॉवर – A,B,C,D,OAK,PINE नाम से चिन्हित है और विल्लाज मौजूद है। टॉवर– OAK के अन्तर्गत चार लिफ्ट मौजूद रहेगे, जिनमें से एक लिफ्ट ही ऑपरेशनल है और शेष लिफ्ट में मकेनिकल कार्य होना बाकी है। टॉवर– PINE के अन्तर्गत 7 लिफ्ट का निर्माण कार्य होना है, जिनमें 4 लिफ्ट कार्यरत है व शेष 3 लिफ्ट में कार्य अभी पूर्ण होना बाकी है। टॉवर– A,B,C,D के अन्तर्गत लगभग कार्य पूर्ण है, इन टॉवरों में 2 लिफ्ट में से एक लिफ्ट कार्यरत है व 1 लिफ्ट का कार्य अभी पूर्ण होना बाकी है, टॉवरों के अन्तर्गत अभी फाइनल फिनिशिंग कार्य अभी शेष है।

जहाँ आख्या में निष्कर्ष के रूप में यह पाया गया कि परियोजना के अन्तर्गत अभी निर्माण कार्य जैसे कि लिफ्ट की इंस्टालेशन, फिनिशिंग कार्य आदि होने अभी बाकी है। फायर फाईटिंग के कार्य में अभी स्पिंकलर आदि होना अभी शेष है व फायर फाईटिंग की एन.ओ.सी. कुछ टॉवरों में अभी प्राप्त नहीं की गयी है। परियोजना स्थल पर कार्य बहुत ही धीमी गति से किया जा रहा है। जाँच आख्या से यह भी स्पष्ट है कि परियोजना अभी पूर्ण नहीं है और कुछ टॉवरों की फायर एन.ओ.सी. प्राप्त किया जाना अभी शेष है।

यह भी उल्लेखनीय है कि उ०प्र० भू-सम्पदा (विनियमन एवं विकास) नियमावली, 2016 के नियम 2(h) में रेरा के अन्तर्गत ऑनगोईंग परियोजना को परिभाषित करते हुए चार अपवाद भी दिये गये हैं, जो कि निम्नवत हैं:-

**(h)** "ongoing project" means a project where development is going on and for which completion certificate has not been issued but excludes such projects which fulfill any of the following criteria on the date of notification of these rules:

(i) where services have been handed over to the Local Authority for maintenance.

(ii) where common areas and facilities have been handed over to the Association for the Residents Welfare Association for maintenance.

(iii) where all development work have been

completed and sale/lease deeds of sixty percent of the apartments/houses/plots have been executed.

(iv) where all development works have been completed and application has been filed with the competent authority for issue of completion certificate.

उक्त नियम 2 (h) (iv) where all development works have been completed and application has been filed with the competent authority for issue of completion certificate के अन्तर्गत प्रश्नगत परियोजना के सभी विकास कार्य अभी पूर्ण नहीं किये गये हैं और विपक्षी द्वारा बिना सी. सी. के मानकों पूर्ण किये हुए सी. सी. हेतु यू. पी. एस. आई. डी. सी. को आवेदन किया गया है, जो कि उचित नहीं है। विपक्षी द्वारा परियोजना को पंजीकरण कराये जाने के सम्बन्ध में पीठ के समक्ष स्वीकारोक्ति की गयी। ऐसे में प्रश्नगत परियोजना को रेरा में पंजीकरण कराये जाना अपेक्षित है।

प्राधिकरण में विपक्षी की परियोजना के सम्बन्ध में जाँच के दौरान यह तथ्य भी प्रकाश में आया है कि विपक्षी द्वारा परियोजना **Golf foreste** के पंजीकरण हेतु पूर्व में आवेदन किया गया था, परन्तु परियोजना को पंजीकृत कराये जाने हेतु आवश्यक अभिलेख एवं औपचारिकतायें पूर्ण न होने के कारण विपक्षी की परियोजना पंजीकृत नहीं हुई। प्राप्त रिपोर्ट के अनुसार मानचित्र स्वीकृति एवं सेंशन लेटर दिनांक 13.06.2011 से 7 वर्ष तक ही वैध है। विपक्षी द्वारा अतिरिक्त निर्माण हेतु पुनरीक्षित भवन मानचित्र पर दिनांक 04.01.2013 को रिवाईज्ड स्वीकृति प्राप्त की गयी, परन्तु मानचित्र एवं सेंशन लेटर के विस्तारण हेतु सक्षम प्राधिकरण से अनुमति प्रदान नहीं की गयी। सी. ए. एवं इंजीनियर्स सार्टिफिकेट एवं फायर एन.ओ.सी उपलब्ध नहीं करायी गयी। ऐसे में परियोजना आंशिक रूप से अपूर्ण है, परियोजना का कम्प्लीशन/ओक्यूपेन्सी प्रमाण पत्र भी नहीं लिया गया है। विपक्षी समस्त औपचारिकताओं एवं आवश्यक अभिलेखों को पूर्ण कर परियोजना को रेरा में पंजीकृत कराना सुनिश्चित करें।

अतः प्रश्नगत परियोजना रेरा के क्षेत्राधिकार में है। उपरोक्तानुसार से स्पष्ट होता है कि परियोजना को रेरा में पंजीकृत कराया जाना आवश्यक है और विपक्षी द्वारा रेरा अधिनियम की धारा – 3 का उल्लंघन किया गया है। चूंकि प्रश्नगत परियोजना ऑनगोईंग परियोजना की श्रेणी में आता है। इस सम्बन्ध में भू-सम्पदा (विनियमन एवं विकास) अधिनियम 2016 की धारा –03 को पढ़ा जाना अत्यंत महत्वपूर्ण है, जिसमें स्पष्ट रूप से उल्लेखित है कि:—

#### REGISTRATION OF REAL ESTATE PROJECT AND REGISTRATION OF REAL ESTATE AGENTS.

3.—(1) No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under this Act:

Provided that projects that are ongoing on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of

this Act:

Provided further that if the Authority thinks necessary, in the interest of allottees, for projects which are developed beyond the planning area but with the requisite permission of the local authority, it may, by order, direct the promoter of such project to register with the Authority, and the provisions of this Act or the rules and regulations made thereunder, shall apply to such projects from that stage of registration.

(2) Notwithstanding anything contained in subsection (1), no registration of the real estate project shall be required —

(a) where the area of land proposed to be developed does not exceed five hundred square meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases:

Provided that, if the appropriate Government considers it necessary, it may, reduce the threshold below five hundred square meters or eight apartments, as the case may be, inclusive of all phases, for exemption from registration under this Act;

(b) where the promoter has received completion certificate for a real estate project prior to commencement of this Act;

(c) for the purpose of renovation or repair or re-development which does not involve marketing, advertising selling or new allotment of any apartment, plot or building, as the case may be, under the real estate project.

Explanation.—For the purpose of this section, where the real estate project is to be developed in phases, every such phase shall be considered a stand alone real estate project, and the promoter shall obtain registration under this Act for each phase separately.

इसमें रेरा में रजिस्ट्रेशन किये बिना रियल स्टेट प्रोजेक्ट भू-खण्ड या अपार्टमेन्ट की बुकिंग, विक्रय व विज्ञापन आदि न करने सम्बंधी प्राविधान है और ऑनगोईंग प्रोजेक्ट्स के रजिस्ट्रेशन हेतु स्पष्ट प्राविधान वर्णित है। अधिनियम के प्राविधानों के अनुसार ऐसे सभी प्रोजेक्ट्स ऑनगोईंग परियोजना की श्रेणी में सम्मिलित है, जिन्हें रेरा आने से पूर्व सक्षम प्राधिकरण से पूर्णता प्रमाण पत्र प्राप्त नहीं हुआ है। विपक्षी को प्रश्नाधीन प्रोजेक्ट के सम्बंध में सक्षम प्राधिकरण से पूर्णता प्रमाण पत्र अभी तक प्राप्त नहीं हुआ है। ऐसे में प्रश्नाधीन प्रोजेक्ट, ऑनगोईंग परियोजना होने के कारण इस पर अधिनियम के प्राविधान लागू होंगे। निष्कर्षतः अधिनियम की धारा- 3 में वर्णित प्राविधानों के अनुसार प्रश्नाधीन प्रोजेक्ट रेरा की परिधि में आने से रजिस्ट्रेशन होने योग्य है। विपक्षी अपनी परियोजना को रेरा में पंजीकरण कराना सुनिश्चित करें। साथ ही विपक्षी को धारा- 3 के अधीन रजिस्ट्रीकरण ने किये जाने के कारण अधिनियम की धारा- 59 के अन्तर्गत दण्ड का भागी है। अधिनियम की

धारा- 59 में स्पष्ट रूप से उल्लेखित है कि:-

59—(1) If any promoter contravenes the provisions of section 3, he shall be liable to a penalty which may extend upto ten percent of the estimated cost of the real estate project as determined by the Authority.

(2) If any promoter does not comply with the orders, decisions or directions issued under sub-section (1) or continues to violate the provisions of section 3, he shall be punishable with imprisonment for a term which may extend upto three years or with fine which may extend upto a further ten percent of the estimated cost of the real estate project, or with both.

उपरोक्त से यह स्पष्ट है कि यदि कोई सम्प्रवर्तक धारा-3 के उपबन्धों का उल्लंघन करता है, तो वह ऐसी किसी शास्ति के लिए जो प्राधिकरण द्वारा यथा अवधारित भू-सम्पदा परियोजना की अनुमानित लागत के 10 प्रतिशत तक की हो सकेगी, दायी होगा।

सचिव, रेरा इस सम्बन्ध में सम्प्रवर्तक के विरुद्ध दण्डात्मक कार्यवाही करते हुए अर्थदंड अधिरोपित कर परियोजना को रेरा में पंजीकृत कराये, साथ ही तकनीकी सलाहकार परियोजना के पंजीकरण के सम्बन्ध में आवश्यक कार्यवाही करें।

माननीय उच्च न्यायालय, बाम्बे ने रिट पिटीशन क्रमांक 908/2018" मोहम्मद जैन खान विरुद्ध महाराष्ट्र रियल एस्टेट अथॉरिटी व अन्य" के प्रकरण में सुनवाई उपरान्त अपने पारित आदेश दिनांक 31.07.2018 में यह भी स्पष्ट किया गया है कि रेरा में अपंजीकृत रियल एस्टेट प्रोजेक्ट्स के विरुद्ध भी प्राधिकरण द्वारा सुनवाई की जा सकती है। स्पष्ट है कि प्रश्नाधीन प्रोजेक्ट्स के विरुद्ध भी प्राधिकरण द्वारा सुनवाई की जा सकती है। स्पष्ट है कि प्रश्नाधीन प्रोजेक्ट के रेरा में रजिस्टर्ड न होने मात्र के आधार पर शिकायतकर्ता द्वारा प्रस्तुत शिकायत अस्वीकार नहीं की जा सकती है। विपक्षी द्वारा अपने प्रतिवाद पत्र में संलग्नक के रूप में दिये गये पीठ के आदेश दिनांक 31.01.2019, शिकायत संख्या- 9201819806 जसवीर नागर बनाम पैरामाउन्ट प्रोबिल्ड में भी विपक्षी द्वारा गलत तथ्य दिये गये थे कि उनकी परियोजना पूर्ण और दिनांक 13.10.16 को उनके द्वारा पूर्णता प्रमाण पत्र हेतु आवेदन किया जा चुका है, जिसका निस्तारण विपक्षी द्वारा दिये गये तथ्य के आधार पर किया गया, परन्तु बाद में प्राधिकरण के जाँच कराये जाने के उपरान्त पीठासीन अधिकारी के संज्ञान में यह नया तथ्य पाया कि परियोजना अपूर्ण है और अभी विकास कार्य कराये जाने अभी शेष है। अतः प्रश्नाधीन प्रोजेक्ट के विरुद्ध प्रस्तुत शिकायत रेरा में सुनवाई योग्य होने से विपक्षी की आपत्ति स्वीकार योग्य नहीं है। तदनुसार बिन्दु सं0 1 निस्तारित किया जाता है।”

15. As noticed above, Section 3 of the Act, 2016 provides for prior registration of real estate projects with the Real Estate Regulatory Authority, and in terms of sub-section (1) thereof no promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any

real estate project or part of it, in any planning area, without registering the real estate project with the Real Estate Regulatory Authority established under the Act.

16. Under the proviso to sub-section (1) in respect of projects that are ongoing on the date of commencement of the Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registering the said project within a period of three months from the date of commencement of the Act. This is subject to certain exclusions provided for under the Rule, which are as follows :-

(i) where services have been handed over to the Local Authority for maintenance.

(ii) where common areas and facilities have been handed over to the Association or the Residents Welfare Association for maintenance.

(iii) where all development work have been completed and sale/lease deeds of sixty percent of the apartments/houses/plots have been executed.

(iv) where all development works have been completed and application has been filed with the competent authority for issue of completion certificate.

17. Clause (iv) of Rule 2 (h) excludes from the ambit of the term 'on going project', such projects where all development works have been completed and application has been filed with the competent authority for issue of completion certificate.

18. It therefore follows that in the case of a project where all development works have not been completed, the mere filing of an application with the competent authority for issuance of completion certificate would not bring it out from the purview of an 'ongoing project', as defined under Rule 2 (h) of the Rules, 2016. Such projects would

accordingly be held to be 'ongoing projects' and in terms of the proviso to Section 3 (1) of the Act, 2016, the promoter would be liable to make an application to the authority for registration of the said project within the stipulated time period.

19. In the instant case, the findings recorded by the RERA Authority which are based on a consideration of the material evidence on record are to the effect that the development works in respect of the project were not completed. Accordingly, the project cannot be said to be excluded under Rule 2 (h). The project has therefore rightly been held to be an 'ongoing project' within the meaning of Rule 2 (h) and it would require registration under the proviso to Section 3 (1) of the Act, 2016. Accordingly the matters pertaining thereto would fall within the jurisdiction of the RERA Authority.

20. The impugned orders passed by the RERA Authority, therefore, cannot be held to be without jurisdiction.

21. Counsel for the petitioner has not been able to point out any material error or perversity in the findings of fact recorded by the RERA Authority, in this regard, in the impugned orders.

22. Under the circumstances, no interference can be made with the impugned orders under Article 226 of the Constitution of India inasmuch as the matter is concluded by findings of fact.

23. For all reasons aforestated, the writ petition is dismissed.

**Order Date :- 4.11.2020**  
Pratima

Justice Surya  
Prakash  
Kesarwani

Digitally signed by  
Justice Surya Prakash  
Kesarwani  
Date: 2020.11.11  
16:24:08 +05'30'

Justice  
Yogendra Kumar  
Srivastava

Digitally signed by  
Justice Yogendra  
Kumar Srivastava  
Date: 2020.11.11  
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