

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 456 of 2026

IN THE MATTER OF:

Sunil Kumar Rastogi & Ors.

...Appellant(s)

Versus

Lucknow Development Authority & Ors.

...Respondent(s)

Present:

For Appellant : Present but appearance not marked

**For Respondents : Mr. Abhijeet Sinha, Sr. Advocate with
Ms. Shankari Mishra, Advocate for R2/ SRA
Mr. Abhishek Anand, Mr. Karan Kohli, Ms. Palak
Kalra, Advocates for MC**

O R D E R
(Hybrid Mode)

06.04.2026 Heard Ld. Counsel for Appellant and Ld. Counsel appearing for the Respondent.

2. This Appeal has been filed against the order dated 21/01/2026 passed by National Company Law Tribunal, New Delhi, Court-III in I.A. 189/2026. Adjudicating Authority by the impugned order has dismissed the Application as not maintainable, aggrieved by the said order, this Appeal has been filed.

3. The Appellants claim to be allottees of real estate project, with respect to which Resolution Plan was approved in the Corporate Insolvency Resolution Process on 13/12/2021.

4. The CIRP, against the Corporate Debtor has commenced on 30/09/2019. As per the Resolution Plan, the Successful Resolution Applicant was to approach the Lucknow Development Authority for sanction of the map, which sanction was granted on 03/05/2025.

5. The Appellants, being aggrieved by the said sanction of the map, filed a writ-petition in the Lucknow Bench of the Allahabad High Court, being writ petition No. 10939/2025, which writ petition was disposed of by order of the High Court dated 21/11/2025, giving direction to the Lucknow Development Authority to expeditiously hear the Application of the writ petitioner dated 15/09/2025 filed under the Uttar Pradesh Planning and Development Act, 1973.

6. In pursuance of the order of the High Court, subsequently the Lucknow Development Authority has passed an order on 03/02/2026, which is also brought on the record.

7. The Appellant has filed an I.A. 189/2026 before the Adjudicating Authority where following prayers were made.

"1. Direct Respondent No. 1 (Lucknow Development Authority) to cancel the sanctioned map dated 03.05.200205 within a time bound manner;

2. Direct Respondent No. 2, JRAI to seek consent of 2/3rd allottees of the project before filing the sanction of afresh Map & RERA registration application as per the Resolution Plan & Statute.

3. Direct Respondent No. 4 (Monitoring Professional) to ensure strict compliance of the approved Resolution Plan, within the time-period granted;

4. Grant such other and further reliefs as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

8. Adjudicating Authority rejected the Application against which this Appeal has been filed.

9. Ld. Counsel for Respondent raised an objection to the maintainability of the Appeal as well as the maintainability of the Application before the NCLAT. It is submitted that the order, which was challenged was order passed by Lucknow Development Authority sanctioning the map dated 03/05/2025 under Uttar Pradesh Planning and Development Act, 1973, which order could not have been made subject to consideration of the NCLAT.

10. Ld. Counsel for Appellant submitted that the Application was fully maintainable before the NCLT since the sanctioned Plan was in violation of the approved Resolution Plan and it violated different clauses of the Plan and also further violated the approval of RERA Act, 2016 since the approval of the RWA was not obtained before approving the sanctioned map.

11. Ld. Counsel for Appellant has also placed reliance on judgement of the Supreme Court in Civil Appeal No. 9241 of 2025 Gujarat Urja Vikas Nigam Ltd. vs Amit Gupta and Ors. in support of his submission that NCLT had every jurisdiction to examine the Application.

12. We have considered submissions of Ld. Counsel for Parties and perused the record.

14. The Application has been rejected by the Adjudicating Authority as not maintainable.

15. First question which need to be answered is as to whether Application was maintainable before the Adjudicating Authority.

16. The prayer in the Application was to set aside the order dated 03/05/2025 which was order sanctioning the map by the Lucknow

Development Authority under the Uttar Pradesh Urban Planning and Development Act, 1973.

17. The Resolution Plan, which was approved by the Adjudicating Authority, in the year 2021, has permitted the SRA to obtain all necessary approvals including the approval of the map.

18. Lucknow Development Authority has taken a decision on 03/05/2025, more than four years after the approval of the Resolution Plan and against the order dated 03/05/2025, Appellant first approached the High Court by filing the writ petition, which was disposed of directing the Lucknow Development Authority to consider the Application, which has also been now decided.

19. We are of the view that sanction of Plan, which is in exercise of Statutory jurisdiction of Lucknow Development Authority under Uttar Pradesh Urban Planning and Development Act, 1973 cannot be made subject matter of challenge before the NCLT.

20. The said decision in exercise of Statutory jurisdiction of Lucknow Development Authority can be subjected to challenge only in accordance with the provisions of Uttar Pradesh Urban Planning and Development Act, 1973.

21. It is not disputed that the State Government has power of revision against any order passed by the Lucknow Development Authority.

22. The submission of the Appellant that the case is fully covered by Paragraph 69 of the Judgement of Gujarat Urja Vikas Nigam Limited also need to be considered.

23. In Paragraph 69 of the Judgement following was laid down by the Supreme Court.

“69. In the present case, the PPA was terminated solely on the ground of insolvency, since the event of default contemplated under Article 9.2.1(e) was the commencement of insolvency proceedings against the Corporate Debtor. In the absence of the insolvency of the Corporate Debtor, there would be no ground to terminate the PPA. The termination is not on a ground independent of the insolvency. The present dispute solely arises out of and relates to the insolvency of the Corporate Debtor.”

24. In the case of Gujarat Urja Vikas Nigam Limited, the power purchase agreement was terminated on account of initiation of insolvency. Hence, the court held that it can be made subject matter of the insolvency proceedings.

25. The present is a case where the order challenged is the order passed by the Lucknow Development Authority on 03/05/2025 in exercise of the statutory jurisdiction under Uttar Pradesh Urban Planning and Development Act, 1973, which cannot be made subject matter of challenge before the NCLT.

26. We thus are of the view that Adjudicating Authority has not committed any error in rejecting the I.A. No 189/ 2026.

27. If so advised, the Appellant may take appropriate remedy under the Uttar Pradesh Urban Planning and Development Act, 1973 against the order dated 03/05/2025.

28. With these observations, we **dismiss the Appeal**.

[Justice Ashok Bhushan]
Chairperson

[Indevar Pandey]
Member (Technical)

Prerana/md