2026:AHC-LKO:79083

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

MATTERS UNDER ARTICLE 227 No. - 5621 of 2026

Tulsiani Constructions and Developers Pvt. Ltd. Thru. Authorized Signatory Sri Bhupendra Kumar

…..Petitioner(s)

Versus

State of U.P. Thru. Prin. Secy. Deptt. of Housing and Urban Planning Lko. and 5 others

…..Respondent(s)

Counsel for Petitioner(s) : Vidhu Bhushan Kalia, Abhinav Mishra
Counsel for Respondent(s) : C.S.C., Prerna Jalan, Shobhit Mohan Shukla

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Along with

MATTERS UNDER ARTICLE 227 No. - 5769 of 2026

M/s Sunshine Infraheights Pvt. Ltd. Through its Authorized Signatory Sri Bhupendra Kumar

…..Petitioner(s)

Versus

State of U.P. Thru. Prin. Secy. Deptt. of Housing and Urban Planning Lko. and 6 others

…..Respondent(s)

Counsel for Petitioner(s) : Vidhu Bhushan Kalia, Abhinav Mishra
Counsel for Respondent(s) : C.S.C., Prerna Jalan, Shobhit Mohan Shukla

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Along with

MATTERS UNDER ARTICLE 227 No. - 5771 of 2026

Tulsiani Constructions and Developers Pvt. Ltd. Thru. Authorized Signatory Sri Bhupendra Kumar

…..Petitioner(s)

Versus

State of U.P. Thru. Prin. Secy. Deptt. of Housing and Urban Planning Lko. and 5 others

…..Respondent(s)

Counsel for Petitioner(s) : Vidhu Bhushan Kalia, Abhinav Mishra,

		Mudit Agarwal
Counsel for Respondent(s)	:	C.S.C., Prerna Jalan, Shobhit Mohan Shukla

Along with

MATTERS UNDER ARTICLE 227 No. - 5843 of 2026

Tulsiani Constructions and Developers Pvt. Ltd. Thru. Authorized Signatory Sri Bhupendra Kumar

…..Petitioner(s)

Versus

State of U.P. Thru. Prin. Secy. Deptt. of Housing and Urban Planning Lko. and 5 others

…..Respondent(s)

Counsel for Petitioner(s)	:	Vidhu Bhushan Kalia, Abhinav Mishra
Counsel for Respondent(s)	:	C.S.C., Prerna Jalan, Shobhit Mohan Shukla

Along with

MATTERS UNDER ARTICLE 227 No. - 6014 of 2026

Tulsiani Constructions and Developers Pvt. Ltd. Thru. Authorized Signatory Sri Bhupendra Kumar

…..Petitioner(s)

Versus

State of U.P. Thru. Prin. Secy. Deptt. of Housing and Urban Planning Lko. and 5 others

…..Respondent(s)

Counsel for Petitioner(s)	:	Vidhu Bhushan Kalia, Abhinav Mishra
Counsel for Respondent(s)	:	C.S.C., Prerna Jalan, Shobhit Mohan Shukla

AFR

Court No. - 8

HON'BLE JASPREET SINGH, J.

1. This is a batch of five petitions which raise a common question of law and fact, hence, they were all connected, and were listed in the additional cause list. While another petition involving the same issue, filed by the same petitioner, is listed in the list of fresh cases at serial

number 21. Hence, that too has been connected and is being decided by this common judgment.

2. The issue involved in the aforesaid petitions relates to the jurisdiction and validity of the order passed by the Revenue Recovery Officer, Real Estate Regulatory Authority (hereinafter referred to as 'RERA') in respect of an application moved by the petitioner seeking correction in the recovery certificate issued by RERA, which was primarily relatable to the calculation/recalculation of the amount impacting the interest component entered in the recovery certificate.

3. As a jurisdictional issue is involved in all the 5 petitions, hence, the facts of all the petitions are not being noted separately, and for the sake of convenience, the facts are being noted from petition bearing No. A- 227 No. 5771 of 2026.

4. In case if the submissions advanced on behalf of the petitioners relating to the lack of jurisdiction of the Revenue Recovery Officer is upheld, then irrespective of the facts of each case, the orders impugned in all the petitions would have to be set aside.

5. Shri Shobhit Mohan Shukla, learned counsel appearing for respondent nos. 2, 3, and 6, submits that since the issue involved is primarily legal in nature and all the notifications which otherwise would have been placed on record by the RERA, have been placed by the petitioners along with the supplementary affidavit, hence, he submits that he does not wish to file any counter affidavit.

6. Ms. Prerna Jalan, learned counsel, has put in appearance and filed her preliminary objections on behalf of the private respondents (home

buyers) in Petition bearing (A-227) No. 6014 of 2026 and she further submits that she appears in all the petitions on behalf of the private respondents (home buyers), including in the petition listed in the fresh list today, and she has also filed her vakalatnama in the fresh petition as well, which is taken on record. She further submits that her preliminary objections filed in the instant petition may also be treated as her objections in the other connected petitions, including in the fresh petition listed today.

7. In this background, with the consent of learned counsel for the parties, the aforesaid batch of petitions is being decided finally at the admission stage itself.

8. In order to appreciate the controversy involved in the instant batch of petitions, it would be appropriate to notice the background facts first.

9. The petitioner company is duly engaged in the development of real estate and its project in question is duly registered with RERA. It had developed a multi-storied residential apartments in the name and style of Golf View Apartments in Sushant Golf City, Lucknow. The private respondents, being the home buyers, entered into a builder-buyer agreement with the petitioner.

10. In each of the petitions, the private respondents, being the home buyers, entered into their respective builder-buyer agreements, of different dates, relating to different units and for different sale price. However, considering the issue involved in these pettions, which has been noted in the above mentioned paragraphs, hence, the details of the

agreement, sale consideration, and unit numbers may not be very relevant here, hence, it is not being mentioned.

11. Be that as it may, the home buyers had certain grievances with the petitioner company and they raised it by invoking the jurisdiction of RERA by making their complaints. RERA, by means of its judgment and order dated 23.05.2022, directed the petitioner company to provide the possession of the unit, the subject matter of the home-buyer agreement, after completing the formalities within a period of 45 days, and for the delayed period, the petitioner was also required to pay interest from the date mentioned in the agreement for providing the possession till the date of actual handing over possession, along with interest which would be 1% higher to the MCLR as determined by the State Bank.

13. In furtherance of the said order dated 23.05.2022, a recovery certificate was issued dated 08.07.2025. Since the payment was not made in pursuance of the order dated 23.05.2022, hence, the home-buyers moved an application to the RERA seeking compliance of its order.

14. It is at this stage that the petitioner company moved an application for rectification of the recovery certificate. As per the petitioner company, the period for which interest was mentioned and calculated and indicated in the recovery certificate was incorrect, hence it required the RERA to recall/recalculate/rectify the recovery certificate. Since the application moved by the petitioner was engaging the attention of the RERA authorities, hence the petitioner preferred a petition under Article 227 No. 7160 of 2025, which was disposed of by means of order dated

12.12.2025 directing the RERA/Secretary to dispose of the pending application of the petitioner expeditiously after giving a reasonable opportunity of hearing to the parties, but without granting any unnecessary adjournments, preferably within a period of two months from the date of receipt of the order.

15. In furtherance thereof, the Revenue Recovery Officer rejected the application for rectification by means of the impugned order dated 12.08.2026, which is under challenge in this batch of petitions.

16. Shri Jaideep Narain Mathur, learned Senior Counsel, assisted by Sri Vidhu Bhushan Kalia and Sri Saurabh Misra, learned counsel for the petitioners, submitted that in terms and scheme of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the ‘Act of 2016’), the word "Authority" has been defined in Section 2(i) to mean the Real Estate Regulatory Authority established under sub-section (1) of Section 20. As per the Act, the Authority is to consist of a Chairperson and minimum two whole-time members who are to be appointed by the Appropriate Government.

17. It is further submitted that the Authority, as defined above, also has officers and other employees, who are appointed by the Appropriate Government in consultation with the Authority, and such officers and employees would discharge their functions under the general superintendence of the Chairperson.

18. The functions of the Authority have been provided for in Sections 32, 34 to 40 of the Act of 2016. However, it was urged that Section 39 confers power on the Authority to rectify its orders. It was further

submitted that in terms of Section 39 of the Act of 2016, the Authority is empowered at any time within a period of two years from the date of the order made under the Act to rectify any mistake apparent from the record, amend any order passed by it, and it shall make such amendment if the mistake is brought to the notice by the parties.

19. The aforesaid Section 39 is qualified by two provisos, one states that no such amendment would be made in respect of any order against which an appeal has been preferred under the Act, and the other proviso qualifies the power of the Authority that it shall not, while rectifying any mistake apparent from the record, amend any substantive part of the order which is passed under the provisions of the Act of 2016.

20. The learned Senior Counsel further submitted that Section 81 of the Act of 2016 empowers the Authority to make any general or special order in writing, delegating such of its powers and functions under the Act (except the power to make regulations under Section 85) as it may deem necessary, to such member, officer of the Authority, or any other person. He has also drawn the attention of the Court to the Uttar Pradesh Real Estate (Regulation and Development) Rules, 2016 (hereinafter referred to as the ‘Rules of 2016’), pointing out that in Rule 21 of the Rules of 2016, the Government is empowered to appoint two suitable persons as Secretary (who shall not be less than the rank of a Special Secretary to the Government) and the Chief Accounts Officer/Finance Controller of the Authority. The Secretary so appointed can exercise such powers and perform such duties as may be prescribed by the Regulations or delegated to them by the Authority.

21. Similarly, in Rule 22 of the Rules of 2016, certain additional powers have also been conferred on the Authority, while Rule 23 and 24 of the Rules of 2016 refer to the manner of recovery of interest, penalty, and compensation, as well as the manner of implementation of the order, direction, or decision of the Adjudicating Officer, the Authority, or the Appellate Tribunal.

22. Shri Mathur has also drawn the attention of the Court to the Uttar Pradesh Real Estate Regulatory Authority (General) Regulations, 2019 (hereinafter referred to as the Regulations of '2019'), and more particularly to Regulation 13 and Regulation 14(c)(v) and (vi) of the Regulations of 2019, to submit that the officers of the Authority shall carry out such functions under the Act or the Rules as may be delegated to him by the Chairperson by general or special order. The officer of the Authority shall assist the Authority in proceedings relating to the powers exercisable by the Authority as directed by the Chairperson.

23. Shri Mathur further pointed out that the Authority from time to time had issued certain office orders delegating certain functions to its officers, and one of the said office orders of delegation dated 8th August 2024, has been referred to, which is part of the supplementary affidavit filed by the petitioner dated 26.10.2024. It was pointed out that under Clause 6 of the office order of delegation dated 8th August, 2024, Clause 6.5 clearly provided that the act of issuance of recovery certificate or implementation of the direction of the Authority would be done by the Secretary. Any matter relating to any rectification or amendment in the recovery order would not be accepted by the Authority; rather, any

application for rectification in the recovery order would be referred to the Secretary, and the Secretary, RERA, after affording an opportunity of hearing to the parties concerned, would decide the application for rectification on merits.

24. Sri Mathur further pointed out that the Authority issued another office order on 22.09.2025, a copy of which has been brought on record along with the supplementary affidavit dated 26.10.2024. Referring to the said office order, it was pointed out that the Authority, in its 183rd meeting held on 17.09.2025, resolved that any application for rectification/amendment in the recovery certificate would be referred to the Secretary, RERA, who, in turn, would refer the same to the Revenue Recovery Officer. The concerned Revenue Recovery Officer, after hearing the parties on merits, would examine the matter and would then submit its proposal to the Secretary, RERA, for his final decision.

25. It was thus submitted that under the scheme of the Act of 2016, the Authority has the power to delegate any of its functions except the functions under Section 85 of the Act of 2013. The RERA Authority did delegate its function to the Secretary in respect of receiving and entertaining applications for rectification/amendment of the recovery certificate, who was required to decide the same after hearing the parties on merits in terms of Clause 6.5 of the office order/order of delegation dated 08.08.2024. This was further amended by the office order dated 22.09.2025, whereby the Secretary, RERA, was required to refer the application for rectification/amendment of the recovery certificate to the concerned Revenue Recovery Officer, who was required to examine the

matter and submit its report/proposal to the Secretary, RERA, who would then be the authority to take a decision thereon.

26. However, this power of delegation did not confer any right on the Revenue Recovery Officer to take a decision and decide the matter. It was urged that in all the petitions, it is the Revenue Recovery Officer of RERA who has decided the application for rectification, which is a clear case of an authority exceeding the bounds of its jurisdiction, which renders the orders impugned *void ab initio*. In such circumstances, the order passed by the Revenue Recovery Officer is patently dehors the scheme of the Act, Rules, Regulations, and also beyond the power of delegation as per the office order dated 22.09.2025. Thus, being a clear case of exercise of jurisdiction beyond the provisions, it vitiates the order impugned; accordingly, it is liable to be set aside, and the petitions deserve to be allowed.

27. Ms. Prerna Jalan, learned counsel appearing for the private respondents (home-buyers), has raised preliminary objections regarding the maintainability of the petitions, on two counts:

> (i) That the order impugned can be assailed in an appeal before the Real Estate Appellate Tribunal (hereinafter referred to as ‘REAT’). It was also urged that in one of the matters, the petitioner company has already invoked the appellate jurisdiction of the REAT, and in such circumstances, it would be appropriate for the petitioner company to ventilate the grievance before the REAT in these matters too;

(ii) That the orders impugned are not *void ab initio* as suggested by the learned Senior Counsel, but the Revenue Recovery Officer has merely given its opinion that the said recovery certificate does not require any rectification or amendment. It would be a different situation where the Revenue Recovery Officer, RERA, would have entered into the merits and would have allowed the application; then, of course, it may be that the Revenue Recovery Officer can be said to have exceeded the jurisdiction. But in the instant case, the Revenue Recovery Officer found that the submission of the petitioner company was not tenable; hence, it maintained the correctness of the recovery certificate, coupled with the fact that the same was done after affording an opportunity of hearing to the petitioners. Accordingly, it cannot be said that there is any excess of jurisdiction or violations of principles of natural justice. The petitioners are raising technical objections only with a view to prolong and defer the implementation of the order passed by RERA. Thus, the petitions deserve to be dismissed.

28. Shri Mathur, at this stage, submitted that since the order itself is without jurisdiction and in excess of jurisdiction conferred on the Revenue Recovery Officer, hence, the petitioner may not be relegated to the alternate forum. It is well settled that if an order impugned is without jurisdiction, and to examine the said nullity no disputed fact or evidence is to be sifted, in such circumstances, the petition would definitely be

maintainable, as well as in such circumstances, the Court should intervene and the petitions deserve to be allowed.

29. Shri Shobhit Mohan Shukla, learned counsel appearing for the Real Estate Regulatory Authority, attempted to justify and support the order impugned on the premise that the Revenue Recovery Officer has been delegated the power lawfully in terms of the provisions of the Act of 2016, and it has examined the matter and found that there was no rectification or amendment required in the recovery certificate; hence, it turned down the request of the petitioner.

30. He further elaborated that the contention of the learned Senior Counsel for the petitioner could have been correct provided that the Revenue Recovery Officer would have entered into the merits and would have found that the recovery certificate required some amendment/rectification, and after coming to the said conclusion, if it would have allowed the application, perhaps then it could be said that the Revenue Recovery Officer exceeded its jurisdiction. However, in the instant case, the Revenue Recovery Officer has merely reiterated the view of the Authority through the Secretary issuing the certificate; hence, in such circumstances, there is no requirement to interfere, and the orders passed by the Revenue Recovery Officer are valid. The petitioners, in order to avoid its liability, are raising technical objections which cannot be countenanced in law. Hence, the petition deserves to be dismissed.

31. The Court has heard the learned counsel for the parties and also perused the material on record.

32. Certain undisputed facts that emerge from the record are:

(a) In pursuance of a complaint made by the home-buyers, the RERA had passed an order dated 23.05.2022;

(b) It is also undisputed that in furtherance of the said order, a recovery certificate was issued, against which the petitioner moved an application seeking rectification/amendment in the recovery certificate;

(c) It is also undisputed that under the Act of 2016, the Authority has been defined and comprises of a Chairperson and a minimum of two whole-time members;

(d) It is also undisputed that the Authority, along with the Appropriate Government, is empowered to appoint officers and other employees;

(e) It is also undisputed that in terms of Rule 21 of the Rules of 2016, the Government is empowered to appoint a Secretary, who shall not be less than the rank of a Special Secretary to the Government, and the Chief Accounts Officer/Finance Controller of the Authority;

(f) It is also not disputed that in terms of Section 81 of the Act of 2016, the Authority has the power to delegate any of its functions, except the power to make regulations, to any member or officer of the Authority or any other such person, by a general or special order in writing;

(g) It is also not disputed that the RERA had delegated its power regarding rectification of the recovery certificate

(powers of Section 39 of the Act of 2016) to the Secretary by means of a special order dated 08.08.2024 (Clause 6.5 at running page 18 of supplementary affidavit dated 26.10.2026);

(h) It is also not disputed that the RERA, vide its order dated 22.09.2025, further delegated a limited power to the Revenue Recovery Officer, RERA, to deal with the rectification/amendment of the recovery certificate.

33. In light of the aforesaid undisputed facts, considering the contention of the rival parties, the issue that requires consideration is the correct construction of the office order dated 22.09.2025 by which the Revenue Recovery Officer has been delegated the power to deal with the rectification/amendment of the recovery certificate.

34. In this regard, it will be first relevant to consider the power of delegation made in terms of the office order dated 08.08.2024 relating to the rectification. For the aforesaid purpose, it will be appropriate to reproduce Clause 6, which reads as under:

> *"6.1 मूल आदेश/निदेश के 02 वर्ष के अन्दर उभयपक्षों को सुनकर ही कोई आदेश/ निदेश पारित किया जायेगा।*
> *6.2 यह प्रावधान अभिलेखों में स्पष्ट रूप से दृश्यमान (Apparent from Record) त्रुटि के सुधार तक सीमित है। अतः इस बात का ध्यान रखा जाये कि मूल आदेश/निदेश का सारवान अश यथावत रहेगा, उसमें कोई परिवर्तन न किया जाये।*
> *6.3 उ.प्र. भू-सम्पदा विनियामक प्राधिकरण द्वारा पारित किसी आदेश/निदेश के विरुद्ध यदि अपील लम्बित है, तो धारा-39 के अधीन कोई संशोधन नहीं किया जायेगा।*
> *6.4 इस धारा में सुनवाई के दौरान किसी प्रकार का स्थगन आदेश/निदेश न पारित किया जाये, बल्कि प्रार्थना पत्र के त्वरित निस्तारण पर ध्यान केनि किया जाये।*
> *6.5 बसूली प्रमाण-पत्र जारी करने का कार्य आदेश / निदेश के अनुपालन के स्तर पर प्राधिकरण के सचिव द्वारा किया जायेगा। वसूली प्रमाण-पत्र से सम्बन्धित किसी त्रुटि के सुधार हेतु प्राधिकरण की मा. पीठ में प्रार्थना-पत्र स्वीकार नहीं किया जायेगा। वसूली प्रमाण-पत्र में संशोधन सम्बंधी कोई प्रार्थना-पत्र प्राप्त होने पर उसे सचिव को सन्दर्भित कर दिया जायेगा। सचिव, उ.प्र. रेरा द्वारा यथास्थिति उभयपक्षों को सुनवाई का अवसर प्रदान करते हुए गुण-दोष के आधार पर ऐसे प्रार्थना पत्रों का निस्तारण किया जायेगा।"*

35. From the perusal of the aforesaid Clause 6, and more particularly Clause 6.5, it would be clear that the Secretary, RERA, has been authorized to receive applications relating to rectification/amendment of the recovery certificate, and the said Secretary has further been authorized to decide the said applications after affording an opportunity to the parties concerned, on merits.

36. Now, in the same vein, it will be appropriate to notice the office order dated 22.09.2025, which for the ease of reference is being reproduced hereinafter:

> "उ.प्र. स.प्र. भू-सम्पदा विनियामक प्राधिकरण की 152वीं बैठक, दिनांक 30.07.2024 में प्राप्त अनुमोदन के अनुपालन में मा. पीठों को अधिकारों का प्रतिनिधायन, परिवादों की सुनवाई की प्रक्रिया एवं पारित आदेशों एवं निर्देशों के क्रियान्वयन के सम्बन्ध में दिनांक 31.10.2022 को निर्गत मानक संचालन प्रक्रिया को अवक्रमित करते हुए दिनाक 08.08.2024 को मानक संचालन प्रक्रिया जारी की गयी है, जिसके प्रस्तर-6 त्रुटि सुधार के उप प्रस्तर-6.5 में निम्नवत् व्यवस्था नियत है:-
> "वसूली प्रमाण पत्र जारी करने का कार्य आदेश/निदेश के अनुपालन के स्तर पर प्राधिकरण के सचिव द्वारा किया जायेगा। वसूली प्रमाण पत्र से सम्बन्धित किसी त्रुटि के सुधार हेतु प्राधिकरण की मा. पीठ में प्रार्थना पत्र स्वीकार नहीं किया जायेगा। वसूली प्रमाण पत्र में संशोधन सम्बन्धी कोई प्रार्थना-पत्र प्राप्त होने पर उसे सचिव को सन्दर्भित कर दिया जायेगा। सचिव, उ.प्र. रेरा द्वारा यथा स्थिति उभयपक्षों को सुनवाई का अवसर प्रदान करते हुए गुण-दोष के आधार पर ऐसे प्रार्थना-पत्रों का निस्तारण किया जायेगा।"
> प्राधिकरण की 183वीं बैठक, दिनांक 17.09.2025 को निम्नवत् निर्णय लिया गया:-
> वसूली प्रमाण पत्र में संशोधन सम्बन्धी प्रार्थना पत्र सचिव, उ.प्र. रेरा को सन्दर्भित किया जायेगा। सचिव, उ.प्र. रेरा द्वारा शिकायत को सम्बन्धित कार्यालय के राजस्व (रिकवरी) अधिकारी को सन्दर्भित किया जायेगा। सम्बन्धित राजस्व रिकवरी अधिकारी उभयपक्षों की सुनवाई करते हुए प्रकरण का गुणावगुण के आधार पर परीक्षण करते हुए वसूली प्रमाण पत्र में संशोधन का प्रस्ताव सचिव, उ.प्र. रेरा को अन्तिम निर्णय हेतु प्रस्तुत किया जायेगा।"

37. From the perusal of the aforesaid office order dated 22.09.2025, it is clear that the Secretary, RERA, who was authorized to receive the applications for rectification/amendment, who was in terms of the earlier office order, quoted above, authorized to decide the same after affording an opportunity to the parties concerned; but with this office order dated

22.09.2025, there has been a slight digression. That is to say, that all applications addressed and received by the Secretary, RERA, relating to rectification/amendment of the recovery certificate would be referred to the concerned Revenue Recovery Officer, RERA, who would, after hearing the parties on merits, examine the matter and submit its proposal to the Secretary, RERA, for his final decision.

38. It would reveal that the role of the Revenue Recovery Officer, RERA, is to hear the parties on the merit of their contentions and thereafter submit its report/proposal for the final decision to be taken by the Secretary, RERA.

39. Even when the order of delegation suggests that the Revenue Recovery Officer would afford an opportunity to the parties concerned on merits, it appears to be for the limited purpose of comprehending the contention of the contesting parties to be easily ascertained and clearly be reflected in the proposal/report to be submitted to the Secretary for facilitating the decision-making process to enable the Secretary to give his verdict.

40. Nevertheless, the aforesaid office order dated 22.09.2025, by any stretch, cannot be construed as to confer or delegate any power to the Revenue Recovery Officer to give a verdict or decide the application.

41. Now, in this backdrop, if the order impugned dated 09.07.2026 is seen, it would indicate that the texture and tenor of the order impugned passed by the Revenue Recovery Officer, RERA, is neither a report nor a proposal, rather it is an expression of opinion on merits with trappings of

an order, which otherwise would have been passed by the Secretary, RERA.

42. The said impugned order does not indicate that it is a proposal/report which is being forwarded to the Secretary for his consideration and verdict, nor does it indicate that the said order has been passed by the Secretary relying upon the report of the Revenue Recovery Officer. The impugned order would indicate that the Revenue Recovery Officer heard the respective parties, and thereafter the operative portion reads as under:

> "उपर्युक्त विवेचना के आधार पर मेसर्स तुल्सियानी कंस्ट्रक्शंस एण्ड डेवलपर्स प्रा.लि. द्वारा मा. उच्च न्यायालय, इलाहाबाद में योजित MATTERS UNDER ARTICLE 227 No.- 7332 of 2025 Tulsiani Constructions And Developers Pvt. Ltd. Thru. Authorized Signatory Sri Ravi Tiwari बनाम State of U.P. Thru. Prin. Secy. Deptt. Of Housing And Urban Planning U.P. Lko. And 4 Other में मा. उच्च न्यायालय द्वारा पारित आदेश दिनांक 19-12-2025 के अनुपालन में प्रोमोटर का प्रार्थना-पत्र दिनांक 26-11-2025 तदनुसार निरस्त करते हुए प्रकरण निस्तारित किया जाता है। पक्षकार तदनुसार सूचित हो।"

43. The above-quoted portion of the order impugned would indicate that the Revenue Recovery Officer has rejected the application, which is not within the domain of the Revenue Recovery Officer. In this view of the matter, where the order impugned is without jurisdiction and in excess of the authority conferred, which makes the order unsustained in law. In such circumstances, the plea raised by the learned counsel for the private respondent relegating the petitioner to the alternate remedy of an appeal under the Act may not be desirable.

44. The contention advanced by Shri Shobhit Mohan Shukla and Ms. Prerna Jalan to the extent that only if the Revenue Recovery Officer finds that some interference is required for rectification/amendment of

the recovery certificate, then the Revenue Recovery Officer is to place the proposal before the Secretary, RERA, and not when it finds that no interference is required, is wholly without substance and cannot be accepted.

45. Ms. Prerna Jalan has also relied upon a decision of a Division Bench of this Court in **M/s K.D.P. Buildwell Private Limited vs. State of U.P. and others: 2020 (20) AHC:26855-DB**. However, as far as the reliance placed by Ms. Jalan on the decision of a Division Bench of this Court in **K.D.P. Buildwell** (supra) is concerned, the same has no applicability in the instant case, as the said decision is of the year 2020, whereas the office orders delegating the powers to the Secretary are of 08.08.2024 and 22.09.2025, and thus the said Division Bench had no occasion to consider the said power of delegation and the office orders which are the subject matter of dispute in these petitions.

46. Thus, for the aforesaid reasons, this Court is satisfied that the order impugned passed by the Revenue Recovery Officer, RERA, in rejecting an application of rectification/amendment is not sustainable and suffers from the vice of excess of jurisdiction conferred, hence is liable to be set aside.

47. Accordingly, the orders passed by the Revenue Recovery Officer rejecting the respective applications in the following Petitions: **(i)** order dated 09.07.2026 in Writ Petition (A-227) No. 5771 of 2026; **(ii)** order dated 09.07.2026 in Writ Petition (A-227) No. 6014 of 2026; **(iii)** order dated 09.07.2026 in Writ Petition (A-227) No. 5843 of 2026; **(iv)** order dated 09.01.2026 in Writ Petition (A-227) No. 5769 of 2026;

09.07.2026; and **(v)** order dated 12.08.2026 (though the order brought on record as Annexure No. 1 is undated, however, the said date has been mentioned in the relief clause) in Writ Petition (A-227) No. 5621 of 2026 shall stand set aside. The matter shall be remitted to the Revenue Recovery Officer, RERA, before whom the parties shall appear on 18th of November, 2026 who would afford an opportunity of hearing to the parties concerned, and thereafter it would submit its report/proposal to the Secretary, RERA, who would then give its final verdict, and in order to do so, if it finds that some clarification is required from any of the parties, it may afford an opportunity to the said concerned party. It will be open for the parties to file their submissions in writing if they so desire, in support of their submissions before the Secretary, RERA.

48. The petitions are **allowed** in the aforesaid terms. In the facts and circumstances, there shall be no order as to costs.

(Jaspreet Singh,J.)

October 30, 2026
Asheesh

Digitally signed by :-
ASHEESH KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench