2026:AHC:204259-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 31779 of 2026

Decent Buildwell Private Limited

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pratik Chandra
Counsel for Respondent(s)	:	C.S.C., Mohd. Afzal

Court No. - 5

HON'BLE PRAKASH PADIA, J.
HON'BLE VIVEK SARAN, J.

1. Heard Sri Pratik Chandra, learned counsel for the petitioner, learned Standing Counsel for the respondent nos.1 & 4 and Sri Mohd. Afzal, learned counsel for the respondent no.2 & 3.

2. In view of the order proposed to be passed herein, no useful purpose would be served by putting the respondent no.5 to notice and keeping this petition pending before this Court. However, in case respondent no.5 feels aggrieved by the order his right to seek modification/variation of the order is being kept reserved.

3. The writ petition in question has been filed inter-alia with the following prayers :-

"1. Issue a writ, order, or direction in the nature of Certiorari quashing the order dated 03.07.2026 issued by Recovery Officer (Revenue), U.P. Real Estate Regulatory Authority (Regional Office H1-69, Sector-Gama-2), Gautam Budh Nagar pertaining to Complaint Case No.NCR144/03/88533/2022 (Manoj Kumar Giri V. M/s Decent Buildwell Pvt. Ltd.).

2. Issue a writ, order, or direction in the nature of Certiorari quashing the recovery certificate dated 02.02.2026 issued by Secretary- Real Estate Regulatory Authority, Gautam Budh Nagar addressed to District Magistrate, Gautam Budh Nagar under Section 40 of the RERA Act, 2016 pertaining to Complaint Case No.NCR144/03/88533/2022.

3. Issue a writ, order, or direction in the nature of Mandamus directing the respondents to recall the recovery certificate dated 02.02.2026 and to issue a fresh after adjusting the amount to the tune of Rs.27,94,805/- which has already been paid by the petitioner."

4. It is argued by counsel for the petitioner that pursuant to order dated 05.09.2023 passed by respondent no.2 in the proceedings initiated by the respondent no.5 an order was passed directing the petitioner to deposit a sum of Rs.22,90,893/- plus interest. It is further argued that petitioner has already transferred a sum of Rs.24 lacs with the respondent bank as well as allottee thereafter moved an application before the Recovery Officer (Revenue) dated 16.04.2026 to recall the order since the remaining amount has already been paid. The aforesaid application was rejected by the Recovery Officer (Revenue)/respondent no.3 vide order dated 03.07.2026 hence present writ petition.

5. It is argued by Mohd. Afzal, learned counsel for the respondent nos.2 & 3 that in case petitioner wants to recall/modified the order passed by the respondent no.2, he should move an application before the respondent no.2 in the aforesaid proceedings but till date no such application has been filed hence petitioner is not entitled for the relief as prayed for in the present case.

6. In response to the same it is argued by counsel for the petitioner that petitioner is ready and willing to make a proper application before the respondent no.2 raising all his grievances as has been raised in the present case.

7. In the facts and circumstances, petitioner is permitted to submit a fresh representation ventilating all his grievances before the respondent no.2-Secretary, Uttar Pradesh Real Estate Regulatory Authority (UP RERA), Regional Office at H-169, Sector Gamma-2, Greator Noida, Gautam Buddh Nagar, U.P. along-with all the materials on which he placed reliance in the present writ petition and along-with certified copy of this order within a period of two weeks from today. If such a representation is made, the respondent no.2 is directed to pass necessary order in accordance with law within a

further period of four weeks.

8. With the aforesaid observations, present writ petition is disposed of finally.

9. Since the writ petition has been decided on an exparte version without seeking any response from the respondents, thus passing of the order today may not be construed to an expression that this Court has gone into the merits of the matter and the second respondent shall accord independent consideration strictly in accordance with law and the mandate of law holding the field.

(Vivek Saran,J.) (Prakash Padia,J.)

September 29, 2026
Pramod Tripathi

Digitally signed by :-
PRAMOD TRIPATHI
High Court of Judicature at Allahabad