



REAL ESTATE

Finality Of Orders Vs. Master Plans: Allahabad Hc Draws Line On Ghaziabad Development Authority's Powers

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Introduction

In a significant ruling, the Allahabad High Court in *Pheasant Infrastructure Private. Limited. v. State of U.P. & Others* (Writ-C No. 33964 of 2023) held that once an appellate authority's order has attained finality, subordinate authorities cannot revisit the matter on fresh grounds. This judgment clarifies the limits of administrative power and safeguards developers against arbitrary refusals by development authorities.

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Background of the Case

The dispute arose when Pheasant Infrastructure Private Limited submitted a group housing map for sanction in Ghaziabad in 2006. The Technical Committee approved the plan subject to conditions, including financial deposits, bank guarantees, and No Objection Certificates (NOCs) from relevant authorities.

The petitioner duly complied with these requirements and obtained NOCs from the Municipal Corporation, NHAI, Fire Department, and the Ministry of Defence. Yet, the [Ghaziabad Development Authority](#) (GDA) withheld the release of the sanctioned map and, in 2012, cancelled it without notice. Notably, this cancellation was communicated only in 2018, rendering it legally ineffective.

From Relief to Resistance

The petitioner approached the Commissioner, Meerut Division, who in 2019 set aside the 2012 cancellation and directed the GDA to reconsider the matter, observing that the company had completed all necessary formalities by 2009. This brought a moment of relief for the petitioner, as it seemed the prolonged delay was finally nearing resolution.

However, instead of complying with the Commissioner's directions, the GDA once again refused to release the sanction later in 2019. This time, the authority cited the Master Plan 2021, which earmarked the petitioner's land for community facilities and roads rather than residential housing. The Principal Secretary, Housing, upheld this position in 2023, effectively undoing the relief granted earlier and forcing the petitioner back to litigation.

Issues Before the Court

The High Court was essentially called upon to decide whether the GDA could deny sanction on the basis of the Master Plan 2021, despite the project's sanction dating back to 2006. It also had to consider whether the 2012 cancellation, passed without notice and never communicated until 2018, had any legal effect. Another issue was whether fresh grounds raised in the counter affidavit could be relied upon to justify rejection.

Court's Analysis

The High Court observed that once the Commissioner set aside the 2012 cancellation, the original sanction of 28.11.2006 automatically stood revived. Therefore, the reliance on the Master Plan 2021 was legally impermissible since the sanction process had been completed years before its enforcement in 2015. The Court emphasized that the Commissioner's order was final between the parties and could not be circumvented by the GDA.

The Court relied on the Supreme Court's ruling in [State of Punjab v. Amar Singh Harika](#) (AIR 1966 SC 1313) to hold that an uncommunicated order has no legal force, thereby rendering the 2012 cancellation ineffective. It further cited [Mahendra Singh](#)

Gill v. Chief Election Commissioner (AIR 1978 SC 851) to underline that authorities cannot supplement defective orders with fresh reasons in affidavits.

Importantly, the Court also noted that in their counter affidavit, the respondents admitted that the petitioner had complied with all the conditions of the 2006 sanction. This admission undermined the GDA's attempt to raise new grounds for rejection.

The Court also stressed the principle of parity, noting that in a similar case, Kamlesh Garg, the State had permitted sanction despite the Master Plan 2021 because the developer had completed formalities before the plan's enforcement. Denying similar treatment to the petitioner amounted to discrimination and arbitrariness.

Judgment

The High Court quashed the orders of 2019 and 2023, and issued a mandamus directing the Ghaziabad Development Authority to release the sanctioned map within four weeks. The Court emphasized that once the Commissioner's order had attained finality, the GDA could not refuse to act on it by citing fresh grounds such as the Master Plan 2021.

Significance of the Ruling

This judgment is a reminder that administrative authorities must respect the finality of appellate orders and cannot frustrate vested rights through retrospective application of master plans. For real estate developers, it reaffirms that valid sanctions and completed formalities create a legitimate expectation of protection against shifting regulatory frameworks.

For urban governance in Uttar Pradesh, the case strikes a balance: while master plans are crucial to ensure planned growth, they must be applied prospectively and not at the cost of earlier lawful approvals.

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