

**(2012) 07 SC CK 0103**

**In the Supreme Court Of India**

**Case No :** I.As. 42-43 in C.A. No. 6962 of 2005, I.A. 44 in I.A. 40 in C.A. No. 6962 of 2005, I.As. 45, 46, 47, 51, 52, 54, 56, 57, 58 and 59 in C.A. No. 6962 of 2005 and I.A. 9 in C.A. No. 10535 of 2011

R.K. Mittal and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

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**Date of Decision :** 30-07-2012

**Acts Referred:**

**Citation :** (2012) 9 SCALE 162

**Hon'ble Judges :** Swatanter Kumar, J;Ranjana Prakash Desai, J

**Bench :** Division Bench

**Final Decision :** Allowed

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## **Judgement**

I.A. No. 9 in C.A. No. 10535 of 2011:

1. This interlocutory application has been filed bringing out certain objections to the Scheme floated by the NOIDA in furtherance of this Court's earlier Order.

2. Having heard the learned Counsel appearing for the parties and in continuation of our previous order, we pass the following directions:

1. The earnest money to be deposited under the Scheme shall be 15% of the bid price. Remaining terms and conditions in that regard shall remain in force as per the brochure issued by the NOIDA.

2. The limitation of Rs. 50 lakhs annual turnover shall not be pressed by the NOIDA. However, it may ask for any documents such as no dues certification and issuance of certain other kind of certificates by the competent authorities like Health Department or Municipal Corporation, as the case may be, to show that during which period, the nursing home was run in the residential area.

3. The Scheme shall be operative and applicable to all the persons whose nursing homes, being run in the residential area, have been closed by the NOIDA in furtherance of this Court's order and they shall form a class by themselves.

4. The persons who have been allotted lands by the NOIDA previously under any Scheme, would not be eligible to the benefit of the special Scheme floated by the NOIDA in furtherance of the order of this Court.

3. We also make it clear that the NOIDA is given liberty to impose certain other conditions on the beneficiaries of the special Scheme, restricting them not to rent out or sell the property, at least for a period of ten years from the date of allotment or any other period which may be considered appropriate by the NOIDA.

4. We further make it clear that we will not interfere in the pricing fixed by the NOIDA.

5. The interlocutory application is disposed of accordingly.

I.A. Nos. 42-43 in C.A. No. 6962 of 2005:

6. The Allahabad Bank shall approach the Authority and the Authority is directed to allot the plot for which the applicant had bid in the auction. We are sure that this issue will not be brought before the Court again.

7. We make it clear that no customary or other activity, which is commercial in nature, has been permitted in the residential area by our judgment.

8. The NOIDA is given liberty to take appropriate steps to ensure that no commercial activity is taking place in the residential areas.

9. The interlocutory applications are disposed of accordingly.

10. All the interlocutory applications filed by parties shall stand refused.

I.A. No. 54 in C.A. No. 6962 of 2005:

11. The applicant is given liberty to move the NOIDA.

12. The interlocutory application is disposed of.