

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 04 OF 2025**

IN THE MATTER OF:-

SUSHIL RAGHAV

...APPLICANT

V/S

STATE OF UP & ORS.

.....RESPONDENTS

AND

IN THE MATTER OF:-

INDU TIMBER PRODUCTS PVT. LTD.

....INTERVENOR

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New Delhi

Dated:- 12/05/2026

Respondent No. 6

Through

 
Sanjeev Agarwal & Ekansh Agarwal
Advocates

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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IN THE MATTER OF:-

SUSHIL RAGHAV

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V/S

STATE OF UP & ORS.

.....RESPONDENTS

**REPLY & OBJECTIONS ON BEHALF OF THE RESPONDENT
NO. 6 TO THE ORIGINAL APPLICATION OF THE
APPLICANT.**

MOST RESPECTFULLY SHOWETH,

1. That the respondent no. 6 is the owner & occupier of factory premises situated & located at S-18/5, Site-IV Industrial Area, Sahibabad, Ghaziabad, U.P. where the intervener is conducting industrial activity since the year 1991 & where a company by name of M/s Indu Timber Pvt. Ltd. was established. The present reply & objections is being filed by Sh. Nitin Sharma who is one of the owners & occupier of the premises.
2. That the factory premises situated at S-18/5, Site-IV Industrial Area, Sahibabad, Ghaziabad, U.P. is falling in the land covered by Khasra No. 92 & 93 Vill. Jhandapur, Tehsil & Distt., Ghaziabad.
3. That the respondent no. 2 UPSIDA has been making illegal & false claims on the land/ premises of the intervener to protect their illegal activities of converting the scheduled park areas in the industrial area developed by them. It is pertinent to mention that in order to divert the main issue in the present petition pertaining to the specific park sites provided in the OA by the Original applicant from serial no. 1 to 8, the UPSIDA does not have any plausible explanation since they have themselves misused the park areas by illegal allotments where business is being run.

4. That it is an admitted fact that the subject land claimed by the UPSIDA for developing park does not belong to UPSIDA through acquisition or purchase. The UPSIDA is not the owner of the subject land on which the factory premises of the applicant stands since 1991. In this regard an earlier attempt was made by UPSIDA (then UPSIDC) to claim the said land by filing a civil suit before the Additional Civil Judge (Sr. Division), District Court, Ghaziabad being OS No. 548 of 1991. The said suit was dismissed by the Court of Additional Civil Judge-II, Sr. Division, District Court, Ghaziabad vide judgment dated 02.09.1998. The appeal filed by UPSIDA against the said judgment being Civil Appeal No. 204 of 1998 also stood dismissed by Special Court (E.C Act)/ ADJ, Ghaziabad, U.P.
5. That by virtue of a judicial order the rights claimed by UPSIDA on the subject land were negated & as such they do not have any right whatsoever on such land. It is further pertinent to mention that the subject land of the intervener being not owned by UPSIDA & therefore they cannot claim that land to be open space for the purpose of developing any public park.
6. That on account of the illegal activities committed by UPSIDA to make an illegal attempt for laying their hands on the factory premises of the intervenor, the intervenor approached the Hon'ble Allahabad High Court by way of Writ C No 3744 of 2025 titled M/s Indu Timber products V/s UPSIDC & Ors. The Hon'ble High Court by virtue of the order dated 07.04.2025 has restrained the UPSIDC from taking any illegal actions but except with due process of law.
7. That it has been upheld by a judicial verdict passed in the suit of the UPSIDA being OS No. 541/1991 which is confirmed by the appellate court & has attained finality that the subject land which UPSIDA has claimed to be open land is neither acquired by UPSIDA nor is part of any land under the domain of UPSIDA.

Hence, in the present proceedings the reference to the land of the respondent no. 6 is misleading in nature.

8. That the respondent no. 2 UPSIDA is repeatedly making illegal attempts to illegally claim the factory premises of the intervenor as an open land & replacement of a park whereas the fact remains that neither the said land belongs to them nor it is a vacant open land & further there was no park on the said land supposed to be carved out by UPSIDA at the time of the development of the said industrial area. Hence, the entire exercise by UPSIDA to mislead this Hon'ble tribunal by getting any order behind the back of the intervenor whereas his rights are attached & involved with the subject land.
9. That the brief facts of the matter are that the respondent no. 6, In the year 1989, in the District of Ghaziabad at Sahibabad the development work was conducted to establish industrial activities by UPSIDC. Lands were acquired for carving out industrial area. In the concerned area certain lands were left out from acquisition including land measuring 0-14-0 Biswa under Khasra No. 92 & 93. A certificate to this extent was issued by UPSIDC on 20.09.1989. However, the entire area as per the development plan was permitted for industrial activities. A true typed copy of the letter dt. 20.09.1989 issued by UPSIDA is annexed with this petition as **Annexure No. 1.**
10. That in the year 1990-91 the subject land on which the industrial unit by the name of M/s Indu Timber Products Pvt. Ltd was established by late Sh. Mukesh Sharma after procuring the land falling under Khasra No. 92-93 by way of registered sale deeds & agreements. The subject land was private freehold abadi land & was neither acquired land nor government land. It was purchased from the erstwhile owners namely Ratan Lan S/o Sardar Singh & the mutation exercise was also conducted. Since then the subject factory premises is in continuous occupation & possession of the answering respondent.

11. That on 31.05.1991 The respondent no. 6 was incorporated & registered with the ROC with a memorandum & article of association to start its business activities. A true copy of the registration certificate dated 31.05.1991 issued by ROC is annexed with this petition as **Annexure No. 2**
12. That on 01.05.1992 the respondent no. 6 established one plywood & wood based industry at the subject land falling under Khasra No. 92-93 & granted the Municipal, No. S-18/5 Site-IV Industrial Area, Sahibabad, Ghaziabad. The directorate of industries Ghaziabad issued a registration certificate on 27.11.1992. A true typed copy of the directorate of Industries SSI UNIT Certificate dated 27.11.1992 is annexed with this petition as **Annexure No. 3.**
13. That 24.11.1992 The office of the District Magistrate, Ghaziabad issued one no objection certificate & license to run wood based industry at the subject site under Khasra No. 92-93 of the respondent no. 6. A true typed English translated copy of permission letter dated 24.11.992 issued by District magistrate, Ghaziabad is annexed with this petition as **Annexure No. 4**
14. That 04.04.1992 The sales Tax Department issued registration certificate for the respondent no. 6 unit under the U.P. sales Tax. A true typed English translated copy of Sales Tax Registration dated 09.04.1992 is annexed with this petition as **Annexure No. 5.**
15. That 01.10.1993 The City Board Ghaziabad (now Nagar Nigam Ghaziabad i.e. respondent no. 2) assessed the respondent no. 6 unit & imposed house tax & municipal tax on the respondent no. 6 unit at S-18/5, Site-IV, Ghaziabad. The said tax has been reassessed thereafter & paid regularly. A true typed English translated copy of the Municipal Tax Documents issued by Respondent no. 5 is annexed with this petition as **Annexure No. 6.**

16. That 11.02.2021 the respondent no. 5 Nagar Nigam, Ghaziabad issues fresh assessment & demand of tax from respondent no. 6 for its unit at S-18/5, Site-IV Industrial Area, Sahibabad on Khasra No. 92-93, Vill. Jhandapur. The property is registered as Pin No. VS54458. A true copy of the fresh assessment/ demand letter issued by respondent no. 2 along with ledger account is annexed with this petition as **Annexure No. 7.**
17. That on 02.09.1998 the respondent no. 2 filed one suit no. 548/91 against Sh. Mukesh Sharma (Director respondent no. 6) claiming the land of the respondent no. 6 unit & also to demolish the structure thereon. The said suit was dismissed after trial by the court of Civil Judge, Ghaziabad holding the land of the respondent no. 6 & construction thereon under valid ownership of the respondent no. 6. A true typed English translated copy of the judgment dated 02.09.1998 passed by Civil Judge, Ghaziabad in OS No. 548/91 titled UPSIDC V/s Mukesh Sharma is annexed with this petition as **Annexure No. 8.**
18. That on 20.08.2002 The UPSIDC preferred one appeal against the judgment dated 02.09.1998 in OS No. 548/1998 passed by Civil Judge, Ghaziabad before the Court of District Judge, Ghaziabad. The said Appeal being CA No. 204 /1998 titled UPSIDC V/s Mukesh Sharma was dismissed on merits upholding the rights of Mukesh Sharma/ respondent no. 6.
19. That in the subject Civil Suit O.S. No. 548 of 1998 specific issue was framed by the court that whether the subject land on which the present premises of the present respondent no. 6 is located on Khasra No. 94 Vill. Jhandapur & whether the said land is acquired by the respondent no. 2 & 3 UPSIDC & whether it belongs to UPSIDC. Furthermore, another issue was framed as to whether the respondent no. 6 is in illegal occupation of the subject land & whether the subject land is identified.

20. That the concerned Civil court after recording the evidence led by the parties has decided the above issues in favour of the respondent no. 6 by holding that the subject land is neither the part of Khasra No. 94 nor it is under acquisition or ownership of respondent no. 2 & 3 UPSIDC. It further recoded a conclusion that the subject land falls under Khasra No. 92 & 93 which has not been acquired for UPSIDC. The subject land is part of Abadi which has been sold by the individual owners.
21. That as such upon dismissal of the Appeal No. 204 of 1998 of UPSIDC, the above issue & its conclusion between the parties has attained finality & the respondent no. 2 have no right to reagitate the same or to raise their claims on the subject land one way or the other. The decision on the said issue between the same parties would otherwise operate as *res judicata* U/s 11 CPC.
22. That on 15.11.2006 The Central Excise Department issues a registration certificate in terms of the Central Excise Rules, 2002 thereby confirming the industry run by the respondent no. 6 at S-18/5 (Khasra No. 92-93), Site-IV Industrial Area, Sahibabad, Ghaziabad. A true typed copy of the registration certificate dated 15.11.2006 issued by Central Excise, Ghaziabad is annexed with this petition as **Annexure No.9**.
23. That on 10.11.2009 The department of Employees State Insurance issues letters for compliance thereby confirming that the respondent no. 6 unit is running with employees.
24. That on 19.06.1992 The electricity Department grants connection of electricity at the subject site of respondent no. 6 at Khasra No. 92-93, Vill. Jhandapur. The said load was subsequently confirmed for 150KVA with fresh line in the year 2006. The electricity bill for the relevant period & upto date is being paid. The unit is running at site. A true typed English translated copy of the electricity connection documents from dated 19.06.1992 till 28.02.2002 is annexed with this petition as **Annexure No.10**

25. That on 03.08.2010 The Central Sales Tax issues registration certificate confirming the industrial activities of the respondent no. 6 at the subject site.
26. That on 12.06.2009 The UP VAT issues registration certificate confirming that the respondent no. 6 is running at the subject site since 12.03.1991. A true typed copy of the registration certificate dated 12.06.2009 issued by UP VAT is annexed with this petition as **Annexure No.11**.
27. That the respondent no. 6 unit is running regularly at the subject premises which is numbered as S-18/5, Site-IV Industrial Area, Sahibabad Ghaziabad. The electricity bill of the Electric connection in the name of the respondent no. 6 is raised for electric consumption. The copy of the current Electricity Bill is annexed with this petition as **Annexure No.12**.
28. That the respondent no. 6 on earlier occasion filed one Writ petition No. 3744 of 2025 titled Indu Timber products Pvt. Ltd. V/s State of U.P. & Ors. against the illegal activities of respondent no. 3 & 4. This Hon'ble court was pleased to record & provide that no action on the part of UPSIDC shall be taken against the respondent no. 6 without issuing any notice or not adopting the due procedure of law. A true copy of the order dated 07.04.2025 passed in Writ petition No. 3744 of 2025 is annexed as **Annexure 13**.
29. That however, the concerned officers of respondent no. 4 are repeatedly making an attempt to interfere & infringe in the rights of the respondent no. 6 with regard to the subject premises by raising invalid unqualified claims on the subject land sometimes claiming it to be open land & at other times claiming it to be park land & on some occasions claiming that they intend to purchase the land from one Usha Rani who claimed that the part of the land belongs to her. There is a connivance between the officers of the respondent no. 3 & private individuals to illegal lay hands on the

property of the respondent no. 6 without any legal right. The acts of the respondent no. 4 amount to infringing the rights of the respondent no. 6 guaranteed U/A 300A of the Constitution of India.

30. That the whole attempt of the respondent no. 3 & 4 is to interfere & infringe in the peaceful & absolute occupation of the subject demised premises at the behest of mischief mongers in the area. The respondent no. 2 are also trying to cover up their own defaults by permitting occupation of the park area carved under the layout plan. The respondent no. 3 & 4 are in process of illegally & unlawfully claiming the land of the respondent no. 6.
31. That it is pertinent to mention that the respondent no. 2 on earlier occasion has even conducted ground survey of the subject land & entire evidence was led in the Original Suit No. 548 of 1998 before the Civil Judge, Sr. Division, Ghaziabad but could not succeed in establishing that the land of the respondent no. 6 was acquired & under their ownership. However, another attempt is being made illegally by conducting a drone survey of the premises of the respondent no. 6 which is nothing but an attempt further to interfere in the peaceful possession of the subject premises.
32. That on 17.11.2025 the respondent no. 6 submitted the entire details of the status of the subject premises belonging to the respondent no. 6 along with the copies of the relevant judgments of the civil courts to the respondent no. 2 D.M. & the Tehsildar of the area in order to apprise them with the facts. A true copy of the letter dated 17.11.2025 is annexed as **Annexure 14**.
33. That from the above it is clearly established that the answering respondent no. 6 is established at the subject land since the year 1991-92 when the company M/s Indu Timber products Pvt. Ltd. was established with all statutory sanctions & approvals. It is further established that the said land was not acquired by the respondent no. 2 for the purpose of the said industrial area but was

a private freehold land adjoining the industrial area. It is further established that the rights claimed by the respondent no. 2 on the said land stood negated by a civil court of competent jurisdiction adjudicating on the said issue. The mere citing of any land as open land in any layout plan of respondent no. 2 without the subject land being acquired under their domain cannot demolish the independent rights of land owner on a freehold unacquired land. It is also a matter of record that at no point of time was any park or green area developed by the respondent no. 2 as part of the industrial area.

34. That undisputedly from the above the said land is occupied & is in possession of the respondent no. 6 since the year 1991-1992 onwards which is more than 30 years period. It is respectfully submitted that the cause of action, if any, against the answering respondent no. 6 for restitution of the said land would start from the date of their occupation of the said land & which is more than 30 years ago. Hence, without prejudice to the other submissions it is respectfully submitted that in the lights of the provisions of section 15 sub clause 3 of the National Green Tribunal Act, 2010 the present O.A. qua the subject land pertaining to respondent no. 6 is not maintainable as it seeks a relief for restitution of land for which the cause of action stood arose more than 30 years ago.
35. That without prejudice to the above it is further submitted that admittedly in terms of the judgments delivered by the civil court as stated herein above through a judicial verdict it has been held that the subject land of the respondent no. 6 falls Khasra No. 92 & 93 Vill. Jhandapur & does not fall in Khasra No. 94 or 77. It may be relevant to note that a perusal of para 7 of the O.A. in the column (a) no encroachments have been alleged on Khasra No. 92 & 93 (Page 17 of OA). The encroachments are alleged in Khasra No. 94 to 99, 101 -103 & 77.

36. That this Hon'ble tribunal may not proceed to entertain or decide any disputes pertaining to the claimed ownerships or right to possess any property even by adverse possession. For the purpose of the relief sought before this Hon'ble tribunal it has to be established primarily that there existed some notified park or green area which was subsequently encroached to remove the existing park/ green area. However, in the present matter the applicant of the O.A. even if relying on the 1976 layout plan has failed to demonstrate & establish that there was some part/ green area existing on the claimed site at least in the year 2018-19 (i.e. 5 year 2 months before the filing of the present O.A.) in terms of the limitation period prescribed u/s 15(3) of the NGT Act, 2010. It is pertinent to mention that it is an admitted case on record that at no point of time any park existed on the subject land & merely by stating an open land would not convert it into a green area park.
37. That as with regard to the contents of the notices stated to be issued by respondent no. 2 UPSIDA referred through Annexure A-5 of O.A. (Page 54-59) it shall be relevant to note that the perusal of the same would make it clear that the dispute is pertaining to the land in Khasra No. 95 that to pertaining to the alleged misuse by the respondent no. 5 GDA who has established one garbage dumping ground & recycling plant. The said letters do not mention anything pertaining to the land & property of the answering respondent no. 6.
38. That apparently the respondent no. 2 in association with the respondent no. 6 want to claim the land & property of answering respondent no. 6 after the respondent no. 2 failed to establish any legal right on the subject land.
39. That the entire averments allegations pertaining to the said alleged park mentioned at column (a) in para 7 of the OA does not pertain to the answering respondent no. 6 & unduly the same is being attempted to cover up the defaults of the respondent no. 2 in their

failure to give any plausible explanation for such parks which have been earmarked as parks in the layout. But subsequently eaten away.

PRAYER

In view of the it is most respectfully that this Hon'ble Tribunal may graciously be pleased to:-

- A. Pass appropriate orders thereby declaring that the land/ property of the answering respondent no. 6 situated at S-18/5, Industrial Area, Site-IV, Sahibabad, Ghaziabad & falling under Khasra No. 92 & 93 Vill. Jhandapur does not fall in any part of encroachment sought to be covered under column 7(a) of the O.A.
- B. Pass any other order or directions as may be deemed fir & proper in the interest of justice.

New Delhi

Dated:- 12/05/2026


Respondent No. 6

Through


Counsel

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 04 OF 2025**

IN THE MATTER OF:-

SUSHIL RAGHAV

...APPLICANT

V/S

STATE OF UP & ORS.

.....RESPONDENTS

AFFIDAVIT

Affidavit of Sh. Nitin Sharma S/o Late Mukesh Sharma, aged about 35 years, C/o Indu Timber products Pvt. Ltd., S-18/5, Site-IV Industrial Area, Sahibabad, Ghaziabad, U.P.

I, the above-named deponent do hereby solemnly state on oath as follows:-

1. That my name & address is correct & true. I am the authorized person on behalf of the respondent no. 6 in the present matter and as such well conversant with the facts of the matter.
2. That all the contents of the accompanying reply & objections whose contents are not repeated herein for the sake of brevity but shall form part of the affidavit are correct & true.
3. That all the documents annexed are true copies of their respective originals.

For M/S. INDU TIMBER PRODUCTS PVT. LTD.

[Signature]
Deponent

Authorised Person

Verification:-

I, the above-named deponent do hereby solemnly affirm and verify that all the contents of the above affidavit under para 1 to 3 are correct and true to the best of my knowledge, belief and faith, nothing material is either concealed or stated falsely.

Verified at Ghaziabad on



For M/S. INDU TIMBER PRODUCTS PVT. LTD.

[Signature]
Deponent

Authorised Person

ATTESTED
[Signature]
MANOJ KUMAR
Advocate & Notary
Govt. of India

12/05/06

*Signature identified
E.M.
EXAMINER ANANDKUMAR
D/2627/10*

506

Answer No. 1

13

Dt: - 26/09/1989

Sef. Ravindra Kumar
S/o Sri Sardar Singh
Vill. Jhandapur,
Sahibabad.
Distt Ghaziabad.

Dear Sir,

In reference to your letter dated 12.9.89 we are to intimate you that khasra plot No. 92 & 93 Area of 0-14-0 Biswa were left from acquisition.

Yours Faithfully.
(S.P. Gupta)
Executive Engineer

Copy to Exacutive Officer, Ghaziabad Development Authority Ghaziabad for information.

Yours Faithfully.
(S.P. Gupta)
Executive Engineer

// True Copy //



प्रारूप एक
Form 1

निगमन का प्रमाण-पत्र

Certificate of Incorporation

सं० 55-44489 शक 19 13
No. 55-44489 of 19 91-92

मैं एतद् द्वारा प्रमाणित करता हूँ कि आज इन्दु टिम्बर प्रोडक्ट्स प्राइवेट लिमिटेड

कम्पनी अधिनियम 1956 (1956 का 1) के अर्धीन निगमित की गई है और यह कम्पनी परिसीमित है।

I hereby certify that INDU TIMBER PRODUCTS PRIVATE LIMITED

is this day incorporated under the Companies Act, 1956 (No. 1 of 1956) and that the Company is Limited.

मेरे हस्ताक्षर से आज तार. 10 मई, 1913 को दिया गया।

Given under my hand at NEW DELHI this THIRTY FIRST

day of MAY One thousand nine hundred and NINETY ONE



Chopra

। श्रीमती सी. कपूर ।
अपर कम्पनी रजिस्ट्रार
दिल्ली एवं हरियाणा
(MRS. C. KAPOOR)
ADDL. Registrar of Companies
DELHI & HARYANA.

GOVERNMENT OF UTTAR PRADESH

DIRECTOR OF INDUSTRIES

Registration as a Small Scale Industrial Unit

CERTIFICATE

This is certify that M/s. Indu Timber Products Pvt. Ltd. 6/14, Mohall, Maha Ram, Shahdara, Delhi- 110 032 Office Address

a. Private Limited/Concern is a Small Scale Industrial Unit Registered with this direction and is allotted the following Registration No.

SSI No.

Date

D/20/56/06322/PMT/SSI/08

27/11/1992

The factory's located at S-18/5, (Khasra No. 92-93) Village : Jhanderpur, Site, IV, I/A, for manufacturing/Processing of the following items : Sahibabad (District-Ghaziabad)

Ply-wood, Block Board, Sewing Machine Top, Table Top, Flush Door & Pannel Door" only, Nb/ U.P. Forest-wood not to the allotted.

ii. The number of workers in the unit not to be exceed, 50 (number any time,)

Date of Commencement of Production : 01-05-1992

Place : Ghaziabad

Office Seal

General Manager,

District Industries Centre,

Ghaziabad.

Subsequent Additional/Delation of items :

Date

Name of Item (S)

Date of Production/

General Manager,

District Industries Centre,

Ghaziabad.

N.B. (1) This Registration is valid for the factory Location, Production and construction of the unit as the time of issue of the certificate.

(2) This registration is liable to revocation or cancellation in even of any misuse or unauthorized diversion of any allotted imported material a determined by the Director of Industries, U.P. or in the event of violation of any of the condition of registration.

(3) This certificate should be prominently displayed in the factory premises of the unit.

Office of the
GENERAL MANAGER
DISTT. INDUSTRIES CENTRE,
GHAZIABAD.

No. 11191-93

Copy forwarded to the following for information and necessary action:

1. Concern Unit
2. The Director of Industries Regn, Cell U.P. Kanpur along with the copy of the Regn. Application.
3. Jt. D.I. Meerut.

General Manager,
District Industries Centre,
Ghaziabad.

OFFICE OF DISTRICT MAGISTRATE, GHAZIABAD

Letter No. 60/ P.A. 2

Dated 24.11.1992

No-Objection Certificate

1. Name of The applicant & Address:- M/s Indu Timber Products Pvt. Ltd, S-18/5, Site-IV Industrial Area, Sahibabad, Ghaziabad, Khasra No. 92-93
2. Whether the establishment of the wood saw machine at the premises of the applicant is necessary for local needs or not; Necessary.
3. Whether at the applicant premises the wood saw mill is feasible to run? Yes, it is feasible.
4. Whether the place of applicant is more than 10 kms away from prescribed area? Yes
5. Whether the applicant or any family member is charged with any criminal case since last years? No
6. Recommendation:- The license is recommended in terms of the inspection report/ recommendation dated 12.11.1992 issued by SDM, Dadri.

Ghaziabad

SD/-

Additional District Magistrate (Adm.)

Ghaziabad

Dated 24.11.1992

511

Annexure No. 5

18

Effective date 03.12.1991 to 30.04.1992

U/s 8B

No. ST-12

Form NO. 15

Sales Tax Act, 1948 Rule 57

Registration certificate under Section A of Act No. 15 of 1948.

Book No. 1, Serial No. 4-18

Registration No. UPGD No. 0322037

I, sales tax officer/ assistant sales tax officer Distt. Ghaziabad (Circle)

hereby registers under the Act Sh. Mukesh Sharma for year 1991-92

on following terms:-

This registration will remain effective till 31.03.1992. The main place of business will be at S-18/5, Site-IV, Sahibabad & in the name of Indu Timber product Pvt. Ltd., Sahibabad, Ghaziabad.

Having its branches.

Name of the owner/ partners with address; Sh. Mukesh Sharma S/o

Sh. Hari Dutt Sharam, R/o Prahaladgarhi, Dadri

Dated 09.04.1992

CITY BOARD, GHAZIABAD

REGIONAL OFFICE NO. 1, KATORI MILL, LONI ROAD

Book No. 113, Bill No. 41

House Tax & Water Tax Bill

Name:- Indu Timber products

Address:- Premises No. S-18/5, Sahibabad Industrial Area

| Detail of House Tax/ water Tax | Period | Amount |
|--------------------------------|------------|--------|
| 1. House Tax Current | 01.10.1993 | 2500/- |
| 2. House Tax Arrear | to | 5000/- |
| 3. Total | 31.10.1994 | 7500/- |
| 4. | | 500/- |
| 5. Payable amount | | 7000/- |
| 6. Water Tax current | | |
| 7. Water tax arrear | | |
| 8. Total | | |
| 9. House tax & water tax total | | |

Date of issue:- 12.11.1993

Date of Payment:- 17.11.1993

Executive Officer

CITY BOARD, GHAZIABAD

REGIONAL OFFICE NO. 1, KATORI MILL, LONI ROAD

Book No. 116, Bill No. 45

Sever Tax/ Drainage Tax Bill

Name:- Indu Timber products

Address:- Premises No. S-18/5, Sahibabad Industrial Area

| Detail of House Tax/ water Tax | Period | Amount |
|--------------------------------|------------|--------|
| 1. House Tax Current | 01.10.1993 | 3000/- |
| 2. Rebate | to | 600/- |
| 3. Sever/ Drainage Arrear | 31.09.1994 | 2400/- |
| 4. Amount Payable | | |

Date of issue:- 16.11.1993

Date of Payment:- 26.11.1993

Executive Officer

514

Annexure No. 7
21

PIN No.:- VS 544

Form No. 11

Rule 25(2)

Ghaziabad Nagar Nigam, Ghaziabad

Demand Notice

Book No. 1,

Serial No. 048

M/s Indu Timber, S-18/5, Site-IV Industrial Area

(U/s 506 of UP Municipal Corporation Act, 1959). Notice is hereby given that a demand of Rs. 1,20,172/- is made from you for house tax/ drainage/ sewer tax & other payable amounts till the period 31.03.2021 as per the approved rules from the government & if the amount is not paid within 15 days of the receipt of this notice to the satisfaction of the municipal corporation or no satisfactory reply is given the amount shall be recovered by issuing recovery certificate.

SD/-

Tax Superintendent

Ghaziabad Nagar Nigam

Dated 11.02.2021

Paid By Cheque No. 185806 dated 17.02.2021 for Rs. 1,20,172/-

IN THE COURT OF ADDITIONAL CIVIL JUDGE-II (SR.
DIVISION), GHAZIABAD

22

CORAM:- SH. SATYAPAL- U.P. JUDICIAL SERVICES
O.S. NO. 548/1991

M/s Uttar Pradesh State Industrial Development Corporation
having its Head Office at 117/137, Sarvodaya Nagar, Kanpur &
its Divisional Office at Sector-15, Shastri Nagar, Ghaziabad,
Distt. Ghaziabad & having its Zonal Office at II Floor, G.D.A.
Building, Pvt. Bus Stand Compound, Ghaziabad through its
Executive Engineer Sh. S.P. Gupta.

.....Plaintiff

V/s

Sh. Mukesh S/o Hardutt, R/o Prahaladgarhi, Ghaziabad Pargana
Loni, Tehsil & Distt. Ghaziabad.Defendant

JUDGMENT

The UP State Industrial development Corporation has filed the
present suit of mandatory injunction for seeking the relief of
removing illegal construction of the defendant by making the
submission that the plaintiff has head office at Kanpur &
Divisional Office at Ghaziabad. The Divisional Office is at GDA
Building, Bus Stand Compound, Ghaziabad. For the plaintiff
company the state vide notification no. 1199-1-H1/28-11-117/X-
72 dated 27.09.1973 & 07.11.1974 acquired land under Khasra
No. 94 measuring 2 Bigha, 2 Biswa Khasra No. 77 area 4 Bigha,
14 Biswa situated in Vill. Jhandapur, Pargana, Loni, Tehsil Dadri
& Distt. Ghaziabad. The plaintiff corporation made a layout plan
on the acquired land & carved roads & park. The site plan of the
disputed land is annexed with the plaint. The defendant is an

influential person. It is stated that the defendant has illegally raised 4 walls on the land as per map marked ABCD on Khasra No. 94 & 77 in Industrial Area, Site-IV, Sahibabad & on master plan road 150 ft. wide & 80 ft. wide on road no. 22 & it came to the knowledge of the plaintiff on 13.09.1991 through the site inspection by their engineer. The defendant is not ready to remove the illegal construction & it is prayed that his possession be removed & it be given to the plaintiff. 23

The defendant has refuted the suit & states that his construction is very old. He is the owner of the disputed land. It is further stated that the disputed land does not come under Khasra No. 94. The subject land was never acquired by UP Government & no compensation has been paid. The defendant is continuous occupier of the said land & is in possession. The suit of the plaintiff is also barred by law of adverse possession.

The defendant has also produced the counter claim 89A & stated that the subject land is under Khasra No. 92 & 93 Vill. Jhandapur which was purchased by it through registered sale deed dated 15.09.1990 & 08.01.1991 from its erstwhile owner Sh. Ratan Lal. Apart from this part of the land was also purchased by the wife of the defendant Smt. Neelam Sharma from Ratan Lal & one factory by the name of Indu Timber products was established on it which was duly registered & for which electricity connection was installed & on which house tax is also imposed. The plaintiff has no concern with the subject land & premises & that it is owned by the defendant. The plaintiff wants to capture the land by illegal possession & for that reason they have claimed this land on Khasra No. 94 & 77. While valuing the counter claim the defendant has prayed against the plaintiff that the plaintiff be restrained from interfering in the

possession of the defendant or to demolish the same. The plaintiff has not filed any written statement to the counter claim. On the other hand the plaintiff has filed repeated applications for returning their plaint with liberty to file fresh plaint & all their applications have been dismissed on several dates.

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On the basis of the pleadings of the parties the following issues have been framed:-

1. Whether the disputed land which has been marked with letter ABCDEF in the attached map is part of Khasra No. 94 situated in Vill. Jhandapur, Tehsil Dadri, Distt. Ghaziabad & whether the plaintiff is the owner of this land as claimed by it?
2. Whether the defendant has illegally possessed the disputed land & raised premises on it as stated by the plaintiff & if yes, its effect?
3. Whether the disputed land cannot be identified as stated by the plaintiff?
4. Whether the suit of the plaintiff is barred by Section 34 & 41 of the Specific Relief Act?
5. Whether the suit of the plaintiff is barred by the principles of adverse possession?
6. Whether the plaintiff is entitled to any relief?

The parties were given opportunity to prove their case by leading evidence.

The plaintiff has filed the site plan of illegal construction & copy of Khasra.

The defendant has filed 18 photocopies & certificates relating to his firm.

The plaintiff has produced the witnesses PW1 Sh. G.S. Mishra, JE, PW2 Yogender Singh & Purshottam Narayan Verma.

The defendant has examined in witness DW1 Hukum Singh & DW2 Mukesh. After the evidence of the parties the defendant has filed his counter claim but the plaintiff has not filed any written statement to it but on the other hand has filed an application to return his plaint with liberty to file fresh suit for the same land. The application No. 84K2 of the plaintiff was dismissed on 09.04.1997. The plaintiff did not file any appeal against this order but again filed another application No. 92C for returning the suit with liberty to file fresh suit against the defendant. The application of the plaintiff was again dismissed on 01.08.1998 whereafter nobody appeared on behalf of the plaintiff. Only the counsel for the defendant has submitted his arguments.

CONCLUSION

Issue No. 1,2 & 3

Since these three issues are related to each other therefore they are decided together in the interest of justice.

The suit is instituted by plaintiff for the disputed land. Admittedly the land under Khasra No. 94 & 77 was acquired whereupon it was developed & plots were carved. In event the disputed land is part of above Khasra No. then definitely the defendant has made illegal construction on it. The onus to prove that the disputed construction or the land on which disputed construction is done is located on Plot No. 94 & 77 is upon the plaintiff. In this regard the evidence which is given by the plaintiff is through Sh. G.S. Mishra, JE who has stated that he has surveyed the industrial area at Jhandapur Sahibabad & his duty is on the site & that on 13.02.1991 he saw on the side of road 150 wide master plan & 80 ft road no. 22 where Mukesh Sharma has raised boundary wall & shed & rooms with foundation for installing machinery on open land. The information of this fact

was given by this witness to executive engineer & he says that this land is of UPSIDC. Next to that UPSIDC has planted nursery but this witness clearly admits that he does not know where Khasra No. 92 & 93 is located. The defendant has stated that he has purchased the land under Khasra No. 92 & 93 & he is absolute owner of the same.

The second witness produced by the plaintiff is Yogender Singh who is also its employee. He has also stated that the disputed land is of UPSIDC & its possession was delivered to them on 07.01.1974. This witness has filed the site plan of Jhandapur. According to this witness the land under Khasra No. 92 & 93 was not acquired. Land measuring 2 Bigha 2 Biswa under Khasra No. 94 was acquired & possession of only this land was taken. Next to the disputed land is the nursery of plaintiff. This land is not allotted to anybody. This witness has clearly stated that in Khasra No. 92 & 93 there is residential area & for this reason it was not acquired & the owners of Khasra No. 92 & 93 reside in Delhi. This witness has admitted that in the site plan there is no demarcation of land & also no Khasra No. is provided.

PW3 witness has only proved that the signatures of executive engineer SP Gupta is there on the plaint No. 4 & vakalatnama 7K.

In event it was to be proved that disputed land is part of Khasra No. 94 then they should have either got it surveyed & if survey could not be done then on the basis of details in the site plan on the site measurements could have been done through the expert in an effort to prove that the disputed land is part of it which was acquired but no such step was taken by the plaintiff.

Only the statement of their JE or any other officer to say that the disputed land is part of Khasra No. 94 is not sufficient.

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The defendant's witness PW1 Hukum Singh has stated that at the place where the factory of defendant is present, he has seen it as abadi & that the land of plaintiff is away from it. The plaintiff has no concern with that land & there are other factories in and around. Before the construction of the factory about 4-5 years back there were old houses which were of Ratan & Ravinder & from that Ratan Lal the defendant has purchased land in the name of his wife filing under Khasra No. 92 & 93 on which factory by the name of Indu Timber Product is situated. Although the defendants have not filed those sale deeds but from the evidence of the defendants it is proved that on the disputed land where the factory is constructed there were old houses & garden on Khasra No. 92 & 93 and that this land was not acquired by UP government. This fact is itself admitted by the plaintiff & no survey was done.

In this manner from the evidence led by plaintiff & defendant it is not proved that the disputed land is located on Khasra No. 94 on which it is alleged to have illegal construction. Hence, issue no. 1 & 2 are decided in negative against the plaintiff.

From the evidence of plaintiff & defendant it is clearly proved that land under Khasra No. 94 was acquired by the government. Since the land on Khasra No. 92 & 93 was of abadi therefore it was left & possibly since the adjoining land was acquired therefore the land became valuable & it was started to be sold by its owners & on account of this there was no clear demarcation of the boundaries of the acquired land & it was identified only on the basis of possession otherwise there is no

identification by any other means because in and around various factories came into existence. The defendant and/or other persons also purchased the land from abadi & raised constructions. In this manner the issue no. 3 is decided positively.

Issue No. 4 & 5:-

The onus to prove both these issues were on the defendant but the defendant has not pressed these two issues & therefore they are decided negatively.

Issue No. 6:-

The plaintiff has also sought the relief that the construction raised on the disputed land be declared illegal & which is shown in the site plan with plaint as ABCDEF be removed & possession of the land be handed over to it. The plaintiff has failed to prove that the disputed land on which the construction has been raised has been acquired & that it was part of Khasra No. 94 or 77 as stated in the plaint. The relief sought by the plaintiff against the defendant cannot be granted on the basis of the decision on issue no. 1 & 2. Hence, the suit of the plaintiff is liable to be dismissed.

The defendant in its counter claim has sought the relief of permanent injunction against the plaintiff but he has not proved his counter claim & has not led any evidence for it. Hence, his counter claim is liable to be dismissed.

ORDER

The suit of the plaintiff against the defendant & counter claim of the defendant against the plaintiff are both dismissed. Parties will bear their own cost.

Dated 02.09.1988

Satyapal

Second Additional Civil Judge (Sr. Division), Ghaziabad

Today this judgment is signed & dated & pronounced in open court by me.

Dated 02.09.1988

Satyapal

Second Additional Civil Judge (Sr. Division), Ghaziabad

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Annexure No. 9
30

Form RC

Central Excise Registration certificate

Under Rule 9 of Central Excise Rules, 2002

This is to certify, subject to conditions specified below that M/s Indu Timber products Pvt. Ltd., a registered company (registrant & its constitutions) is registered for Manufacturing of Excisable goods (types of business) at S-18/5, Site IV Industrial Area, Sahibabad, Ghaziabad, UP 201010 (address of business premises) on the basis of application received in this office on 15.11.2006 (date of receipt).

Registration No. is AAACI2200DXM001

Sd/-

Assistant Commissioner,
Central Excise Division-III,
Ghaziabad

15.11.2006 Ghaziabad

Amra No. 10
31

कमांक:-1862

Prac...bill for 30.10....to 30-05-92

1. Fire Charge for 50 Hp Ch. 100 :- Rs. 35000
2. O...Charge C 100/HP 100:- Rs. 40000
3. Excvin.....4500

Total 79500

L.....2500

SD/-
03-07-92

// True Copy //

**Office of the Executive Engineer
U.P. Power Corporation Ltd.
Electricity Urban Distribution Division-II,
Vasundhara, GHAZIABAD**

No...../EUDD-II/GZB/Inds. Date:-

Subject:- Release of Industrial/Commercial Loads.

**Executive Engineer,
Elect, Urban Test Division-II
Ghaziabad.**

As per completion report of SDO concerned, the line work of the following consumers has been completed. You are, therefore, requested to install the meter of suitable capacity and release the load immediately.

Name & Address of Consumer:- M/s Indu Jesiber Products (P)
Ltd. S-18/5 Site IV Area Sahibabad (GZB)

**Executive Engineer
Electricity Urban Distribution Division-II
Ghaziabad**

No. 1535/EUDD-II/GZB(i)/ of Dated 31.03.2006

**Copy forwarded to the following for information and necessary
action.**

1. Sub Division officer shaibabad
2. Assistant engineer (Revenue)
3. Consumer Concerned.

**Executive Engineer
Electricity Urban Distribution Division-II
Ghaziabad**

// True Copy //



Office of the Executive Engineer
U.P. Power Corporation Ltd.
Electricity Urban Distribution Division- II,
Vasundhara, GHAZIABAD

No. /EUDD-II/GZB/Inds.

Dated

Subject:- Release of Industrial / Commercial Loads.

Executive Engineer,
Elect. Urban Test Division - II
Ghaziabad.

As per completion report of SDO concerned, the line work of the following consumers has been completed. You are, therefore, requested to install the meter of suitable capacity and release the load immediately.

| Sl. No. | Name & Address of Consumer | Load | S.C. No. |
|---------|--|---------|---------------|
| 1- | Ms Indu Timber Products (P) Ltd, S-18/5. Side of Ind. Area Sahababad, Ghaziabad. | 150 KVA | 11 KV HV-2 |

Executive Engineer
Electricity Urban Distribution Division - II
Ghaziabad

No. 1535 /EUDD-II/GZB/(i)/

of date 31/03/86

Copy forwarded to the following for information and necessary action.

- 1- Sub-Divisional Officer Sahababad
- 2- Assistant Engineer (Revenue).
- 3- Consumer Concerned.

Executive Engineer
Electricity Urban Distribution Division - II
Ghaziabad

UPVAT- IX

Department of Commercial Taxes, Government of Uttar Pradesh
(See Sub-Rule (8) and (10) of Rule- 32 of the UPVAT Rules, 2007)

Certificate of Registration and Allotment of TIN**09588800466**

M/S INDU TIMBER PRODUCTS PVT LTD whose principal place of business is situated at S-18/5 SITE-IV, INDL AREA SAHIBABAD, GHAZIABAD. located in Commercial Tax Circle/Sector Ghaziabad (A)/Ghaziabad Sector-1, DC subject of provisions of the Uttar Pradesh Value Added Tax Act, 2007, is hereby registered as a dealer and 09588800466 is allotted as its Taxpayer's Identification Number (TIN). This Registration Certificate is valid with effect from 12-Mar-1991, till the business is discontinued.

Signature of Business Manufacturer, PLYWOOD BLOCK BOARD, FLUSH DOOR

Place of branches in U.P. 1. HO- 7/7 DB GUPTA ROAD PAHARGANJ N. DELHI-110055, Phone No. & outside U.P.

Description of Trade/Commodity 1. Wood and its product

Prop./Partner Director 1. MUKESH SHARMA, 406 PRAHALAD GHARHI SAHIBABAD, GZB

Name & Address 2. SMT. NEELAM SHARMA, 406 PRAHALAD GHARHI SAHIBABAD, GZB.

Place : Ghaziabad

Date : 12-June, 2009

| | | | |
|---|--|-----------------------------------|-------------------|
| अकाउंट नं०/Account No.: 8385456000 | INDU TIMBERS PRODUCT, | खंड/Division: | DIV1A0921 |
| नाम/Name: | | खंड का ईमेल/Email of Division: | |
| पिता/पति का नाम/Husband/Father | | उपखंड/Subdivision: | SD01A09211 |
| पता/Address: | S-18/5, SITE-IV, SAHIBAABD SURYA NAGER GHAZIABAD UP IND | स्वीकृत भार/Sanction Load: | 150 KVA |
| मोबाइल/Mobile No.: | xxxxxx6000 | बिल्ट डिमांड/Billed Demand: | 112.50 |
| ई-मेल/Email: | | टैरिफ/Tariff: | HV2 PV Industrial |
| संयोजन तिथि/Connection Date: | 13-DEC-2011 | सप्लाई टाइप/Supply Type: | H21T |
| बिल संख्या/Bill Number: | 838948096498 | जमा प्रतिभूति/Security Deposit: | 45000 |
| इनऑपरेटिव राशि/Inoperative Amount: | 0.00 | बिलिंग अक्षांश/Billing Latitude: | 0.00 |
| प्रागामी सस्मिन्धी/Progressive Subsidy: | 0.00 | बिलिंग देशांतर/Billing Longitude: | 0.00 |
| मीटर प्रकार/Meter Type: | POSTPAID | मीटर संख्या/Meter Number: | X1331500 |

| | | | | |
|-------------------------------------|-------------|--|---------|---|
| बिल तिथि/Bill Date | 04-JAN-2025 | बिल आधार/Bill Basis | OK | Scan & Pay your Bill स्कैन करें और अपने बिल का भुगतान करें |
| देय तिथि/Due Date | 18-JAN-2025 | देय धनराशि/Payable Amount | 176624 | |
| विच्छेदन तिथि/Disc. Date | 25-JAN-2025 | देय तिथि तक छूट / Due Date Rebate (₹) | 1636.91 | |
| नेट बिल्ड यूनिट/ Net Billed Unit | 18256.00 | देय तिथि तक धनराशि/ Payable by Due date | 174987 | |



उपभोक्ता अपने संयोजन का भार (Load) ऑनलाइन वेबसाइट www.uppl.org एवं मोबाइल एप 'UPPL Consumer App' पर जाकर स्वयं बढ़ाये

| विवरण/Details | धनराशि (₹) | | | विवरण/Details | | धनराशि/Amount |
|--|-----------------------------|---|---------------------------|--|-------------------|---------------|
| | कुल धनराशि /Gross Amount | सस्मिन्धी धनराशि /Subsidy Amount (-) | देय धनराशि /Net Amount | सी.जी.एस.टी./CGST | एन.जी.एस.टी./SGST | |
| उत्पाद प्रभार/Energy Charges | 129941.36 | 0.00 | 129941.36 | वर्तमान वित्तिय भुगतान अधिभार/Current LPSC | | 655.54 |
| मांग प्रभार/Demand Charges | 33750.00 | 0.00 | 33750.00 | पूर्व वित्तिय भुगतान अधिभार/Previous LPSC | | 0.00 |
| न्यूनतम प्रभार/Minimum Charges | 0.00 | 0.00 | 0.00 | नेट करंट बिल/Net Current Bill | | 176623.75 |
| ग्रीन उर्जा शुल्क/Green Energy Charges | 0.00 | | 0.00 | सरकार द्वारा छूट/Subsidy by Govt. (-) | | 0.00 |
| विद्युत कर/Electricity Duty | 12276.85 | | 12276.85 | सस्मिन्धी बिल/Subsidized Bill | | 0.00 |
| अतिरिक्त मांग प्रभार/Excess Demand Penalty | 0.00 | | 0.00 | बकाया धनराशि/Arrear Amount | | 0.06 |
| कम पीएफ अधिभार/Low PF Surcharge | 0.00 | | 0.00 | देय धनराशि/Payable Amount | | 176624 |
| विशेष चार्ज/Misc. Charges | 0.00 | | 0.00 | शब्दों में/In Words: One Lakh Seventy Six Thousand Six Hundred Twenty Four Rupees Only | | |

| मीटर मेक एवं संख्या Meter Make & Number | उत्पाद प्रकार Energy Type | मीटर स्थिति Meter Status | दर्ज मांग Recorded Demand | पिछली/ Previous | वर्तमान/ Current | अंतर Diff. | मीटर गुणक M.F. | मीटर यूनिट Meter Units | अवधि (माह) Period (Months) | मीटर टिप्पणी Meter Remark | | |
|--|------------------------------|-----------------------------|------------------------------|--------------------|---------------------|-------------------|-------------------|---------------------------|-------------------------------|------------------------------|----|----|
| X1331500 | KVA | A | 26.32 | | | | | 2 | 52.64 KVA | 1 | OK | |
| X1331500 | TOD-1 05-11 KVAH | A | | 01-DEC-2024 00:00 | 171211 | 01-JAN-2025 00:00 | 173094.5 | 1883.5 | 2 | 3767 KVAH | 1 | OK |
| X1331500 | TOD-2 11-17 KVAH | A | | 01-DEC-2024 00:00 | 249031.5 | 01-JAN-2025 00:00 | 252048 | 3016.5 | 2 | 6033 KVAH | 1 | OK |
| X1331500 | TOD-3 17-23 KVAH | A | | 01-DEC-2024 00:00 | 211189 | 01-JAN-2025 00:00 | 213379 | 2190 | 2 | 4380 KVAH | 1 | OK |
| X1331500 | TOD-4 23-05 KVAH | A | | 01-DEC-2024 00:00 | 156480.5 | 01-JAN-2025 00:00 | 158518.5 | 2038 | 2 | 4076 KVAH | 1 | OK |
| X1331500 | KWH | A | | 01-DEC-2024 00:00 | 632523 | 01-JAN-2025 00:00 | 638733 | 6210 | 2 | 12420 KWH | 1 | OK |

| | | | | | | | |
|--------------------------------------|------|-------------------------------|-------|--|------|--|------|
| निर्धारित यूनिट/ Assessed Unit(A) | 0.00 | मीटर यूनिट/ Meter Units(C) | 18256 | प्रारंभिक अधिशेष सौर यूनिट/ Opening Surplus Solar Units | 0.00 | अंतिम अधिशेष सौर यूनिट/ Closing Surplus Solar Units | 0.00 |
|--------------------------------------|------|-------------------------------|-------|--|------|--|------|

"IMAGE NOT AVAILABLE"

- विद्युत आपूर्ति संहिता-2005 के खण्ड 9.3 के अन्तर्गत इस बिल को अन्तिम नोटिस माना जायेगा। बकाया का भुगतान न करने पर किसी भी तिथि पर आपूर्ति काटी जा सकती है / This Bill will be construed as Final Notice under Section 9.3 of Electricity Supply Code - 2005. Supply can be disconnected at any date on Non-payment of Dues.
- 7859804803 पर मिसSED कॉल करके विद्युत सम्बन्धी सेवाएँ व्हाट्सएप पर प्राप्त करें / To get electricity related services on Whatsapp give a missed call on 7859804803
- उपभोक्ता अपने बिल का भुगतान विद्युत कार्यालयों, रेशन की दुकान, जनसुविधा केन्द्र, विद्युत राक्षी, मीटर रीडरों के माध्यम से तथा ऑनलाइन वेबसाइट 'www.uppl.org' एवं मोबाइल एप 'UPPL Consumer App' पर जाकर कर सकते हैं / Consumers can pay bills through Department Offices, Fair Price Shops, Jansuvidha Kendra, Vidyut Sakhi, Meter Readers and by visiting online website 'www.uppl.org' & mobile app 'UPPL Consumer App'.
- उपभोक्ता स्वयं अपने संयोजन का स्वीकृत भार पर बढ़े वेबसाइट 'www.uppl.org' एवं मोबाइल एप 'UPPL Consumer App' पर जाकर बढ़ा सकते हैं / Consumers can themselves increase contracted load of their connection through the website 'www.uppl.org' or through the mobile app 'UPPL Consumer App'.
- डी.डी./चेक हेतु प्राप्ति / Pay DD/Cheque in favour of: EXECUTIVE ENGINEER-EUDD II GHAZIABAD
- संग्रहित में बिजली बचाये / Energy Saved is Energy Produced.

"पीएम सूर्य घर मुफ्त बिजली योजना" का लाभ पाने हेतु प्ले स्टोर से "पीएम सूर्य घर" APP डाउनलोड करें और उस पर Apply करें।

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD 36

(Sl. No.41)

Court No. - 21

Case :- WRIT - C No. - 3744 of 2025

Petitioner :- M/S Indu Timber Products Pvt Ltd

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Anand Kumar Singh

Counsel for Respondent :- Anuj Pratap Singh, C.S.C., Vineet Pandey

Hon'ble Manoj Kumar Gupta, J.Hon'ble Anish Kumar Gupta, J.

1. The prayer made in the instant petition is for issuance of writ of mandamus restraining respondent no.3 from making forceful entry or demolishing the building existing over S-18/5 Site IV Sahibabad Industrial Area Ghaziabad U.P. without adopting due process of law. The petitioner claims title over the subject land through different sale deeds.
2. The case of the petitioner is that a plywood and wood based industry is in existence over the subject land. A civil suit was filed by the Uttar Pradesh Industrial Development Corporation (hereinafter referred to as the 'UPSIDC') (O.S. No. 548/91) against Mukesh Sharma, the Director of the petitioner company claiming title over the subject land and the said suit was dismissed by the trial court vide judgment dated 02.09.1998. The appeal filed by UPSIDC was also dismissed. However, on 29.01.2025, the officers of respondent no.2 visited the petitioner's unit and threatened to demolish the constructions.
3. Sri Vineet Pandey, learned counsel appearing on behalf of UPSIDC submits that the UPSIDC has not taken any action in the matter so far nor has issued any notice of demolition. He submits that the UPSIDC will also not take any action for demolition except in accordance with law. It is further stated that the same land is also being claimed by one Usha Rani.

4. As the specific case of UPSIDC is that it has not issued any notice for demolition and will act strictly in accordance with law, therefore, we are of the opinion that the petition deserves to be disposed of in terms of the statement made on behalf of UPSIDC.

5. The petition stands **disposed of** accordingly by providing that UPSIDC will act strictly in accordance with law.

Order Date :- 7.4.2025

Ashish Pd.

(Anish Kumar Gupta,J.) (Manoj Kumar Gupta,J.)

Without Prejudice

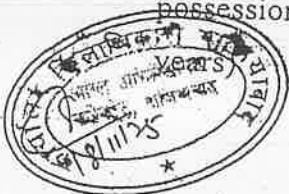
To,
The District Magistrate,
Collectorate Complex
Ghaziabad.

Dated:- 17.11.2025

Sub:- Regarding factory premises situated at S-18/5, Site-IV Industrial Area, Sahibabad, Ghaziabad, U.P. falling in land covered by Khasra No. 92 & 93 Vill. Jhandapur, Tehsil & Distt. Ghaziabad. Illegal attempts in contempt of Hon'ble High Court order dated 07.04.2025 passed in Writ C No. 3744 of 2025 titled M/s Indu Timber Products Pvt. Ltd. V/s State of UP & 2 Others.

Sir,

1. That the applicant is the owner & occupier of factory premises situated & located at S-18/5, Site-IV Industrial Area, Sahibabad, Ghaziabad, U.P. where the applicant is conducting industrial activity since the year 1991 & where a company by name of M/s Indu Timber Pvt. Ltd. was established. The present application is being filed by Sh. Nitin Sharma who is one of the owners & occupier of the premises.
2. That the factory premises situated at S-18/5, Site-IV Industrial Area, Sahibabad, Ghaziabad, U.P. is falling in the land covered by Khasra No. 92 & 93 Vill. Jhandapur, Tehsil & Distt., Ghaziabad.
3. That the applicant is filing the present applicant application since one individual person named as Ashok Kumar claiming to be representing some society by the name of Ghaziabad Kalyan Sehkar Awasi Samiti Ltd. in connivance with certain officers/ employees of UPSIDA namely Sh. Sonu Kumar Pandey & one Sh. R.S. Yadav has been making illegal & false claims on the land/ premises of the applicant in order to lay their hands on the property of the applicant who is running the factory & is in possession undisputedly since the year 1990 onwards (more than 35



(2)

4. That it is an admitted fact that the subject land does not belong to UPSIDA and therefore UPSIDA has no right to make any claim on the same. The UPSIDA is not the owner of the subject land on which the factory premises of the applicant stands since 1991. In this regard an earlier attempt was made by UPSIDA (then UPSIDC) to claim the said land by filing a civil suit before the Additional Civil Judge (Sr. Division), District Court, Ghaziabad being OS No. 548 of 1991. The said suit was dismissed by the Court of Additional Civil Judge-II, Sr. Division, District Court, Ghaziabad vide judgment dated 02.09.1998. The appeal filed by UPSIDA against the said judgment being Civil Appeal No. 204 of 1998 also stood dismissed by Special Court (E.C Act)/ ADJ, Ghaziabad, U.P.

A true typed English translated copy of the judgment dated 02.09.1998 passed in OS No. 549 of 1991 by the Court of Additional Civil Judge-II, Sr. Division, District Courts, Ghaziabad is annexed as **Annexure No. 1.**

5. That by virtue of a judicial order the rights claimed by UPSIDA on the subject land were negated & as such they do not have any right whatsoever on such land. It is further pertinent to mention that the subject land of the applicant being not owned by UPSIDA & therefore they cannot claim any right on the said land for any purpose whatsoever.
6. That on account of the illegal activities committed by UPSIDA to make an illegal attempt for laying their hands on the factory premises of the applicant, the applicant approached the Hon'ble Allahabad High Court by way of Writ C No 3744 of 2025 titled M/s Indu Timber products V/s UPSIDC & Ors. The Hon'ble High Court by virtue of the order dated 07.04.2025 has restrained the UPSIDC from taking any illegal actions but except with due process of law.

(3)

A true copy of order dated 07.04.2025 passed in Writ C No 3744 of 2025 passed by High Court of Judicature at Allahabad is annexed as **Annexure No. 2.**

7. That in the said writ petition before the Hon'ble High Court it was informed by UPSIDA that they are in process of taking over the subject land claimed by certain housing society by the name of Ghaziabad Kalyan Sehkari Awas Samiti Ltd. However, the said society is a non-existing society & there is an inter-se civil suit filed against the said society by the applicant to secure its rights against the illegal claims of the said society. The said civil suit is also pending being OS No 1079 of 2025 before the court of Civil Judge, Sr. Division, Ghaziabad. In the said suit the question as to existence of above alleged society is also being raised & the defendant is intentionally not appearing & avoiding the suit knowing fully well that they have no right on it. The notice has been issued by the court for further proceeding.

A true copy of the civil suit being OS No 1079 of 2025 before the court of Civil Judge, Sr. Division, Ghaziabad is annexed as **Annexure No. 3**

8. That it is has been upheld by a judicial verdict passed in the suit of the UPSIDA being OS No. 541/1991 which is confirmed by the appellate court & has attained finality that the subject land which UPSIDA has claimed to be open land is neither acquired by UPSIDA nor is part of any land under the domain of UPSIDA. Hence, there is no occasion for permitting the above persons to interfere in the domain of the applicant pertaining to the subject property.
9. That the said Ashok Kumar & the above named persons from UPSIDA are repeatedly making illegal attempts to illegally claim the factory premises of the applicant as an open land whereas the fact remains that neither the said land belongs to them nor it is a vacant open land &

(7)

further there was no park on the said land supposed to be carved out by UPSIDA at the time of the development of the said industrial area. That on the said land the factory of the applicant remains established since the year 1990 onwards which is now more than 30 years in continuous possession without any claim or order against the applicant & without prejudice to all the rights which the applicant retain on the subject land, the possession of the applicant is protected under the provisions of Article 111 & 112 of the Schedule to the Limitation Act, 1963.

10. That in the above facts & circumstances the attempts made on the part of Ashok Kumar in connivance of few officers of UPSIDA namely R.S. Yadav & Sonu Pandey are without any ground, illegal & also amount to the contempt of the orders of the Hon'ble High Court at Allahabad as stated herein above.

It is therefore most humbly requested that in the subject matter sue notice of the above facts may be taken before proceeding further on the false & illegal attempts by the above stated persons & the rights of the applicant may be duly secured.

Thanking You,

Yours faithfully,



For Indu Timber products Pvt. Ltd.
Nitin Sharma
Authrised Signatory