



Non-Reportable

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No. 4473 of 2026

One City Infrastructure Private Limited

....Appellant

Versus

Ghaziabad Development Authority and Ors.

....Respondents

ORDER

‘Sushant Aquapolis’ is a castle-in-the-air, promoted as a Group Housing cluster by the second respondent, M/s Ansal Urban Condominium Private Limited which has turned a Corporate Debtor (CD). The appellant herein is the Successful Resolution Applicant (SRA). The resolution plan is facing multiple difficulties, one of which was the time taken by the Ghaziabad Development Authority (GDA) which has withheld the renewal of the development license and sanction of the revised building plan, stalling the implementation of the resolution plan approved under Section 31 of the Insolvency and Bankruptcy Code, 2016 (IBC).

2. We hence passed an order dated 30.07.2026 which is extracted hereinbelow: -

“1. In pursuance of our order passed yesterday, i.e., dated 29.07.2026, Mr. Guruprasad, Principal Secretary, Housing and Development Authority, Government of U.P. has joined the proceedings online. Mr. Nand Kishore Kalal, Vice-Chairman, Ghaziabad Development Authority is personally present in the Court today. Mr. Kalal is represented today by Ms. Madhavi Divan, the learned senior counsel.

2. We heard Ms. Dr. Menaka Guruswamy, the learned senior counsel appearing for the home-buyers, Mr. Nikhil Goel, the learned senior counsel appearing for the SRA and on the other hand, today, we also have Mr. Vikas Singh, the learned senior counsel appearing for the respondent no.3.

3. According to Dr. Menaka Guruswamy, the core issue that falls for the consideration of this Court is whether the Ghaziabad Development Authority (GDA) can lawfully continue to withhold renewal of the development license and sanction of the revised building plan and, thereby, stall the implementation of the resolution plan already approved under Section 31 of the IBC.

4. According to Dr. Guruswamy, the refusal at the end of the GDA is on technical grounds. At this stage, we must record what has been given to understand by Mr. Vikas Singh, the learned senior counsel appearing for the respondent no.3. According to Mr. Vikas Singh, the development license is not in the name of the SRA. The development license is in the name of the respondent no.3. To put it briefly, what we have been given to understand by Mr. Vikas Singh is that he holds the development license for 99 acres. Whatever development has been undertaken is on 26 acres of land. He is in possession of the balance portion of the land in question and he also proposes to develop the balance portion in future.

5. Mr. Singh does not dispute the fact that few towers have come up on the land admeasuring 26 acres. According to him, whatever construction has come up is in a very dilapidated

condition today. He has many proposals to put forward with respect to the development of this 26 acres of land also. At this point of time, we do not want to say anything in this regard.

6. Today, all that we intend to do is to direct the State of U.P. and the GDA to sit together and take one final decision with regard to the development license and sanction of the revised building plans. To put it in other words, whatever proposal has been forwarded by the GDA to the State should be discussed at the earliest and a reasoned order needs to be passed at the end of it with regard to what we have observed aforesaid.

7. Let this exercise be undertaken at the earliest and an appropriate decision be placed before this Court within a period of two weeks from today. Once we are in receipt of the final decision that the Government would take in consultation with the GDA, we shall, thereafter proceed to discuss further issues.

8. We impress upon Sh. Guruprasad as well as Sh. Kalal to have a thorough inspection of the entire site in question. They should visit the site with surveyors and officers who are experts in preparing sketches.

9. It shall be ensured that the 26 acres can be made habitable and access can be ensured without impinging upon the balance properties which is in the possession of the respondent no.3.

10. If the State and the GDA wants any assistance or any further information from the parties concerned, it shall be open for them to call them. We make it further clear that the inspection shall be in the presence of all the parties concerned.

11. Post the matter on 20.08.2026.”

3. Pursuant to our order, the State and the GDA together took a decision to accord necessary permission subject to the fulfilment of the necessary conditions.

4. Today when the matter was posted, we were taken through the affidavit of 19.08.2026 filed by the Vice-Chairman, GDA. We extract paragraph 11 of the said affidavit: -

“11. In compliance with Para No.7 of order dated 30.07.2026 of the Hon'ble Court the action plan qua the plot in question is as under:

(i) In compliance with the directions of the Hon'ble Court, the site in question has been inspected; a TSS survey has been conducted and a sketch has been prepared.

(ii) With respect to the plot in question, the Ghaziabad Development Authority has duly disposed of the representation dated 09.12.2025 submitted by the applicant, M/s Ansal Urban Condominium Pvt. Ltd., through One City Infrastructure: Pvt. Ltd., in terms of the order dated 07.11.2025 passed by the Hon'ble NCLT.

(iii) Pursuant to the order passed by the Hon'ble Court, guidance relating the integrated township policy was provided in the meetings chaired by the Principal Secretary, Housing and Urban Planning Department, U.P. In accordance with the directions, the disposal of the representation dated 09.12.2025 has been approved by the Authority Board.

(iv) M/s Ansal Urban Condominium Pvt. Ltd., has submitted an affidavit dated 17.08.2026, intimating that it shall submit the building plan or revised building plan within 30 days.

(v) Upon M/s Ansal Urban Condominium Pvt. Ltd. submitting an online application for the building plan in accordance with the provisions of the Uttar Pradesh Model Building Construction and Development Bye-laws, 2025 with respect of Plot No. GH-1 through the FASTPASS portal(map.up.gov.in), the Authority will sanction the plan in accordance with law, keeping in view the interests of the home buyers.

(vi) To ensure access of the home buyers up to the approach road, following sanction of the plan, the applicant, M/s Ansal

Urban Condominium Pvt. Ltd., through One City Infrastructure Pvt. Ltd., shall undertake all internal development works in respect of Plot No. GH-1 and the external development works up to the approach road. In proportion to the plot in question within the Integrated Township, it shall also undertake construction of EWS/LIG buildings and development of other necessary facilities, with due regard to the interests of the home buyers. AUCPL/Appellant has furnished its written consent to the aforesaid by way of an affidavit.”

5. A difficulty was pointed out by the learned Senior Counsel Dr. Manu Abhishek Singhvi appearing for the appellant that there is no proper access to the property which is classified as Group Housing-1 (GH-1) plot which hampers the developmental activities, which would be in successful implementation of the resolution plan.

6. Mr.Rajiv Shakdher, learned Senior Counsel appearing for the 3rd respondent however, would point out from the map produced by the GDA itself, in its report dated 19.08.2026 as Annexure A2, that there is a 24-meter-wide road going all around the property. The map emphasize that GH-1 has 10.548793 hectares in which the SRA is intending to build in accordance with the resolution plan. We see that the map as produced by the 3rd respondent indicates on three sides i.e., on the entire width of the north-eastern boundary, the south-eastern boundary and the south-western boundary, a 24-meter-wide pathway.

7. However, it is submitted by Dr. Singhvi that the same is not functional for reason of lack of maintenance. Dr. Shinghvi, on

instructions also undertakes that his client would take up the reconstruction of the road lying on the entire width of the three boundaries of the plot GH-1 without claiming any title on the road which would be developed.

8. Mr. Shakdher, however, would insist that the lease of the entire land including GH-I being with the 3rd respondent, any approval of the plan has to be routed through the 3rd respondent. However, in the facts and circumstances of the case and also in the fitness of things, we deem it appropriate that the SRA i.e., the appellant herein carry out the development of the pathway with the 24-meter width on the three boundaries of the plot GH-1, on which the appellant or their assignees shall not raise any claim of title and then make necessary applications to the GDA. After completion of the project, they shall only be provided with access to the property through the said way, causing minimum disturbance to the road.

9. We make it clear that the appellant or its assignees cannot claim access through the whole of the road on the three boundaries and the access will be, only at one point, as decided by the GDA. The said access shall not be exclusive and shall also be facilitated for use by the 3rd respondent who has properties around the plot GH-1. Insofar as the compliance as indicated in paragraph No.11, extracted hereinabove,

the same shall be done by the SRA expeditiously and the GDA shall also consider it without any time lapse.

10. We appreciate the alacrity with which Mr. Nand Kishore Kalal, the Vice-Chairman of the GDA and Mr. Guruprasad, Principal Secretary, Housing and Development Authority, Government of U.P., responded to our directions; who had also been assisting us in Court, at the time of hearing.

11. The Civil Appeal is disposed of, leaving liberty to either of the parties to approach this Court and seek for restoration of the appeal on any impediment being occasioned, with respect to the subject matter of this order.

12. We make it clear that this order is passed in the presence of the intervenors who are the majority of the homeowners/purchasers, whose application alone is allowed and the other intervening applications stands rejected.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI;
AUGUST 31, 2026.**