

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 2

MISC. CASE-553/2020

M/S ALTO PROJECT & ENGINEERING PVT. LTD.

.....Appellant

Versus

M/S TYAGI CONSTRUCTION COMPANY.

.....Respondent

Counsel for Appellant

PRASHANT KUMAR

FUHAR GUPTA

Counsel for Respondent

SANJAY KUMAR SRIVASTAVA

Hon'ble Mr. T.B. Singh, Judicial Member

Hon'ble Mr. K.K. Jain, Technical Member

Case called on.

Counsel Miss Fuhar Gupta appeared alongwith Sri Pradeep Kumar Sharma, authorized representative of appellant. On behalf of opposite party Sri Vijay Kumar Tyagi co-partner of the respondent builder-firm is present.

In Appeal Nos. 526/2020, 529/2020, 530/2020, 531/2020, 532/2020, 534/2020, 537/2020, 538/2020, 539/2020, 540/2020, 527/2020, 528/2020, 533/2020, 541/2020, 542/2020, 543/2020, 544/2020, 545/2020, 549/2020, 550/2020, 551/2020, 552/2020, 553/2020, 554/2020, 555/2020 and 556/2020 respondent builder-firm is same and appellants are also related to each other.

During the course of argument Sri Vijay Kumar Tyagi submitted that 12 receipts for Rs. 36 lacs (Rs. 3 lacs each for 12 units) have been issued by builder-firm. He further stated that the said amount of Rs. 36 lacs has not been received but adjusted against sale of some other land to the appellants.

Rebutting the argument of respondent-builder, on behalf of appellants it was submitted that the opposite party has issued 14 receipts out of which 12 of Rs. 3 lacs and 02 of Rs. 4 lacs total amount of Rs. 44 lacs. He further stated that he has paid Rs. 44 lacs through these receipts to the opposite party, which is on record.

Appellants further stated that in addition to the above amount of Rs. 44 lacs, appellant have paid Rs. 1 crore and 6 lacs through various cheques to the opposite party on his instruction to other suppliers of which receipts are enclosed in respective appeals.

Opposite party vehemently opposed this fact of receiving Rs. 1 crore 6 lacs through payment to its suppliers and other amount and acknowledged issuing receipt of only Rs. 36 lacs against 12 units.

During the course of hearing it was brought to the notice that there is possibility of settlement between the parties. Both the parties are directed to try to settle the matter at their level out of the Court and come before the Court with positive result.

List this appeal on **28.10.2021** for further order. Parties are directed to appear in person on the date fixed.

(K.K. Jain)

(T.B. Singh)

Dated: 04.10.2021
PRADEEPKUMAR