

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-207/2023

CAPITAL INFRATECHOMES PRIVATE LIMITED

.....Appellant

Versus

YOGESH BANSAL

.....Respondent

Counsel for Appellant

Counsel for Respondent

AJAY KUMAR GUPTA

RISHINDRA VIKRAM SINGH

Hon'ble Mr. Justice (Dr.) D.K. Arora, Chairman

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

As per office report, the applicant has not filed application for condonation of delay.

The learned counsel for the applicant submitted that he will file application for condonation of delay.

The applicant has deposited an amount of Rs. 7,92,560/- vide D.D. No. 980935 dated 05.12.2022 drawn on HDFC Bank towards compliance of the provisions of Section 43(5) of the Act and the same has been supported with the affidavit of C.A.

On examination of the Certificate, we found that amount of Rs. 4,17,990/- has been deducted towards TDS, Rs. 2,69,250/- towards brokerage. In our considered view, while filing the appeal by the promoter against the order of Regulatory Authority, he has to make compliance of Section 43(5) of the Act in pursuance of order of Regulatory Authority and no deduction specifically with respect to TDS or brokerage or commission can be deducted.

Further, we found that there is no Certificate of C.A., rather it is a financial implication chart. The applicant is directed to file Certificate of C.A. before the next date of listing.

The learned counsel for the applicant prays for and is granted a week's time to make the deficiency good towards compliance of the provisions of Section 43(5) of the Act.

Shri Harish Pandey, Advocate appeared on the behalf of the respondent and submitted that he may be granted 10 days' time for filing objections to the grounds of appeal as well as Vakalatnama.

Appreciating the request of learned counsel for the respondent, 10 days' time is granted for filing objections to the grounds of appeal. The respondent will send objections to the grounds of appeal to the applicant and its counsel through e-mail within 10 days. Reply, if any, will be sent by the applicant to the respondent within a week thereafter. The parties/legal representatives are directed to upload their respective objection/reply on the e-portal of the Tribunal immediately thereafter.

List this defective appeal for hearing on **13.04.2023**.

(K.K. Jain)

(D.K. Arora)

Dated: 24.03.2023
SYEDTANVEER