

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-478/2023

GAURSONS HI-TECH INFRASTRUCTURE PRIVATE LIMITED

.....Appellant

Versus

SHALINI SHAH AND ANAND PRAKASH
SHALINI SHAH AND
ANAND PRAKASH

.....Respondent

Counsel for Appellant

SAMRAT VAISH

MOHIT YADAV

SANGYA NEGI

Counsel for Respondent

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

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

Shri Samrat Vaish, learned counsel for the applicant sought adjournment on the ground of illness of his mother.

We have examined the record. As per office report, the applicant has deposited an amount of Rs. 50,000/- towards compliance of the provisions of Section 43(5) of the Act 2016.

The Accounts Department of the Tribunal is directed to verify and submit report within a week with respect to deposit of amount of Rs. 50,000/- towards compliance of the provisions of Section 43(5) of the Act 2016.

In order to expedite the proceedings and to achieve mandate of Section 44(5) of the Act 2016, we deem it proper to issue notice to the respondent.

As the instant case has been filed with delay, let notice be issued to the respondent on the application for condonation of delay, returnable on 04.09.2023.

The Registry will generate a notice for 04.09.2023 and send the same through e-mail to the applicant and its counsel within 48 hours. The applicant after downloading the notice will send it through speed-post to the respondent annexing copy of application for condonation of delay as well as grounds of appeal and its annexures within three days. The applicant will also send the copy of application for condonation of delay and memo of appeal and its annexures, annexing notice issued by the Tribunal through e-mail to the respondent within three days. The applicant will file an affidavit of service annexing copy of postal receipt and

transaction report of e-mail sent to the respondent as well as copy of the track record of the postal department regarding service of notice upon the respondent.

On receipt of the notice, it is open for the respondent to send objections to the application for condonation of delay and 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 on **04.09.2023** for consideration of application for condonation of delay and hearing.

(K.K. Jain)

(D.K. Arora)

Dated: 13.07.2023
SYEDTANVEER