

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-257/2021

LUCKNOW DEVELOPMENT AUTHORITY

.....Appellant

Versus

SHASHI PRAKASH DWIVEDI

.....Respondent

Counsel for Appellant

SHRUTI SAHU

Counsel for Respondent

RESPONDENT IN-PERSON

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

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

Ms. Aahuti Agarwal, Advocate holding brief of Shri Abhishek Khare, learned counsel for the applicant is present and submitted that her Senior has instruction to appear in this case on behalf of Lucknow Development Authority (LDA) and he will upload his Vakalatnama/Authorization during the course of the day.

The respondent, who appears in person, submitted that the pleadings have been exchanged and the appeal is ripe for hearing.

Appreciating the difficulty of learned counsel for the applicant for arguing the matter today, we adjourn today's proceedings.

This matter is pending since 2021. It is made clear that on the date fixed the hearing of appeal will not be adjourned on any count. If there is any difficulty to either of the parties in appearing on the date fixed, the alternative arrangement will be made by them, failing which the appeal will be examined and decided on the basis of available record on the memo of appeal.

The respondent submitted that the delay in filing the appeal was condoned vide order dated 17.11.2021 at the cost of Rs. 5,000/-, out of which Rs. 3,000/- was to be paid to the respondent and rest Rs. 2,000/- was required to be deposited in Tribunal's fund. But the same has not been paid by the applicant. He further

submitted that as the cost has not been deposited/paid, therefore, delay in filing the appeal be not treated to be condoned.

Appreciating the request of respondent, we call upon the applicant to explain as to why the cost, imposed vide order dated 17.11.2021, has not been deposited/paid. It is made clear that if cost is not deposited/paid by the next date of listing, the order dated 17.11.2021 will be recalled.

List this appeal for hearing on **25.05.2023**.

(K.K. Jain)

(D.K. Arora)

Dated: 03.05.2023
SYEDTANVEER