

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-618/2023

EMAAR MGF LAND LIMITED

.....Appellant

Versus

VINAY KUMAR AGARWAL AND ANR. VINAY KUMAR
AGARWAL AND ANR.

.....Respondent

Counsel for Appellant
ANURAG SINGH

Counsel for Respondent
AMIT YADAV

Hon'ble Mr. Justice (Dr.) D.K. Arora, Chairman
Hon'ble Mr. Sanjai Khare, Judicial Member

Sri Anurag Singh, Advocate, is present on behalf of appellant.

Sri Vinay K Lakhani, Advocate, co-counsel of respondent is present and seeks two weeks' time for filing objections to the grounds of appeal.

Record reveals that notice was issued to the respondent on 22.09.2023. As per 'Online Justice Delivery System' of the Tribunal, the moment any document/order is uploaded, the copies of the same automatically goes to the respective e-mail IDs of the parties, registered with UP RERA and the entire record can be seen and downloaded by the respective parties.

The instant case was listed on 05.02.2024 wherein, Sri Amit Yadav, Advocate appeared on behalf of respondent and submitted that he has uploaded his vakalatnama in the morning of 05.02.2024 and sought seven days' time for filing objections to the grounds of appeal.

Today Sri Vinay K Lakhani, Advocate appeared on behalf of respondent and sought two weeks' time for filing objections.

The provisions of Section 44(5) of the Act 2016 mandates the Tribunal to make an endeavour to dispose of appeal within a period of 60 days from the date of its filing. This mandate cannot be achieved without cooperation of the both sides.

Today is third date of listing of the matter and if we take the request of counsel of 05.02.2024 into account then it can be treated as second date. Therefore,

request of learned counsel for the respondent for grant of 15 days'/two weeks' time for filing of objections is not acceptable. However, in the interest of justice, we grant 10 days' and no more time to respondent to file objections to the grounds of appeal at the cost of Rs. 1000/-. The amount so received will be utilised for purchase of books etc. and welfare of the legal representative's library.

The learned counsel for the respondent is also directed to send soft copy of objections to the applicant and his/her counsel on registered email. Reply, if any, to the objections of respondent will be filed by the applicant within a week, thereafter.

Learned counsel for the respondent submitted that his name is not shown in today's cause list in the instant case whereas his name is there in vakalatnama. It is pointed out that mentioning name in vakalatnama is one thing whereas every counsel is required to register his/her name in the portal of the Tribunal in the concerned proceedings. Name of Sri Amit Yadav is shown in the cause list as his name is registered and apparently Sri Vinay K Lakhani has not registered his name in the portal and therefore his name is not shown. Further, even if his name is not shown in the cause list but the counsel has filed his vakalatnama and is present today, therefore, it cannot be said that he is not aware about the proceedings in the instant case.

List this appeal for hearing/orders on **20.03.2024**.

(Sanjai Khare)

(D.K. Arora)

Dated: 20.02.2024

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