

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-779/2022

VIMAL KUMAR

.....Appellant

Versus

IMPERIA STRUCTURES LTD

.....Respondent

Counsel for Appellant

RASHI JAIN

DIWAKAR SINGH GAUTAM

Counsel for Respondent

AVADHESH SINGH YADAV

Hon'ble Mr. Justice Suneet Kumar, Chairman

Hon'ble Mr. Devindar Singh Chaudhry, Technical Member

Heard learned counsels for the parties.

It is submitted that a Builder Buyer Agreement came to be executed on 16.11.2015 in respect of a flat. The project was to be completed in 2018. The respondent-promoter on completion of the project applied for OC/CC before the competent authority on 17.03.2020, the application was not rejected, rather query was made, which was duly satisfied, accordingly, it is submitted by the learned counsel for the respondent that deemed CC of the project would be as on September 2020. Thereafter, offer of possession came to be made on 10.04.2021 and thereafter on 09.06.2021. The appellant did not take possession and preferred a complaint before the Regulatory Authority on 26.06.2021, raising a demand of refund and interest.

In this backdrop, the question that arises for consideration as to whether an allottee under Section 18(1) can seek refund of his deposit after the project, in which the flat of the appellant is situated, has completed.

On being confronted, learned counsel for the appellant prays for and is granted time to seek instructions.

List this appeal on **31.01.2025**.

(Devindar Singh Chaudhry)

(Suneet Kumar)

Dated: 09.01.2025
SYEDTANVEER