

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-857/2022

PARAS GARG

.....Appellant

**Versus**

MR. SANJAY SINGHALMR. SANJAY SINGHAL

.....Respondent

**Counsel for Appellant**

**Counsel for Respondent**

TUSHAR BAHADUR

SACHIN GUPTA

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

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

A request for adjournment is received from Shri Sachin Gupta, learned counsel for the appellant on the ground of illness of his mother.

On examining the record, we found that an affidavit of service has been filed by the appellant on 19.02.2023 indicating therein that in pursuance to order dated 19.12.2022, the notice alongwith memo of appeal and its annexures were sent to the respondent through speed post on 29.12.2022 and the same has been delivered by the postal department on 30.12.2022. The notice has also been sent on the email ID of the respondent on 04.01.2023. Learned counsel for the appellant stated that as the notice by post as well as through email has been delivered to the respondent, but the respondent didn't choose to appear, therefore the service to the respondent be treated as sufficient.

We have examined the affidavit of service filed by the applicant. Perusal of the same reveals that the postal notice as well as notice by email has been delivered to the respondent. Apart from this, the moment when any appeal is uploaded, an auto-generated link goes on the email IDs of the parties registered with the RERA. Similarly, all orders/documents are being uploaded and a link is generated and goes to the parties and parties can download the memo of appeal alongwith annexure, orders or any other document. Thus, it cannot be said that the respondent is unaware about the present proceedings. On due consideration, we treat service of notice on the respondent sufficient.

In the interest of justice, we grant 10 days' further time to the respondent for filing objections. The respondent is directed to send the copy of the same to the appellant and his counsel through email within 10 days. On receipt of the objections, the appellant will send reply, if any to the respondent within a week thereafter.

List this appeal for orders on **10.04.2023**.

It is also made clear that if no objection is filed and/or no one appears on behalf of the respondent on the next date of listing, the matter may proceed ex-parte against the respondent.

Learned counsel for the appellant and the Registry is directed to send the copy of today's order on the email ID of the respondent available on record additionally.

(K.K. Jain)

(D.K. Arora)

**Dated: 28.02.2023**  
GAURAVSRI