

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-100/2023

M/S ANS DEVELOPERS PRIVATE LIMITED(M/S SHALIMAR
LAKECITY PRIVATE LIMITED)

.....Appellant

Versus

RASHMI GUPTARASHMI GUPTA

.....Respondent

Counsel for Appellant
ANURAG SINGH

Counsel for Respondent

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

Shri Anurag Singh, Advocate is present on behalf of the applicant. No one is present on behalf of the respondent.

Order-sheet reveals that on 27.04.2023 Shri Gautam Johri, Advocate appeared on behalf of the respondent and submitted that he will file objections to the grounds of appeal along with his Vakalatnama within 10 days'. He was directed to send soft copy of the objections on the e-mail ID of applicant and its counsel within 10 days in order to enable applicant to file reply of the same before the next date of listing.

The learned counsel for the applicant submitted that he has not received any objection from the respondent. On examination, we found that Shri Gautam Johri, Advocate neither uploaded his Vakalatnama nor filed objections to the grounds of appeal.

At this stage, Shri K.K. Singh, Advocate appeared and submitted that he has been informed by Shri Gautam Johri, Advocate to inform the Tribunal that he has not received any instruction from the respondent, therefore, he may be permitted to withdraw himself as counsel for the respondent.

We give liberty to Shri Gautam Johri, Advocate to move appropriate application regarding withdrawing himself as counsel for the respondent. This Tribunal, taking

statement of Shri Gautam Johri, Advocate on his face value and on his request granted 10 days' time for filing objections to the grounds of appeal along with Vakalatnama. Now after more than two months, it has been informed on behalf of Shri Gautam Johri that he has no instruction from the respondent, which resulted in delay in disposal of the instant case and amounts to frustrate the mandate of Section 44(5) of the Act 2016. Shri Gautam Johri, Advocate appeared on behalf of the respondent, therefore, it cannot be said that respondent is not aware about the present proceedings.

As despite time granted, no objection has been filed by the respondent, therefore, we are constrained to proceed ex parte against the respondent.

List this defective appeal on **11.08.2023** for consideration of application for condonation of delay and hearing.

(K.K. Jain)

(D.K. Arora)

Dated: 07.07.2023
SYEDTANVEER