

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 2

APPEAL-904/2021

BALBIR SAHAI SAXENA

.....Appellant

Versus

JUGUL KISHORE COLONISERS PRIVATE LTD.

.....Respondent

Counsel for Appellant

RAJESH CHADHA

R U VERMA

Counsel for Respondent

RAKESH PANDEY

Hon'ble Mr. T.B. Singh, Judicial Member

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

Case called on.

Sri Balbir Sahai Saxena, appellant in person is present. Sri H.K. Mukherji, Manager of the respondent/builder-company alongwith counsel Sri Rakesh Pandey have appeared.

Counsel for the respondent submitted that appellant has filed his objection against the Commissioner's report but the copy of the same had not been made available to him.

Appellant submitted that he has uploaded the objection on the e-Portal of U.P. REAT.

Counsel for the respondent is directed to download the objection against the Commissioner's report from the e-Portal of U.P. REAT. Appellant is also directed to send the objection to the respondent and its counsel. Counsel for the respondent is directed to file objection against the Commissioner's report, if any, during the course of the day on the e-Portal of U.P. REAT.

During the course of hearing appellant submitted that till date respondent has not obtained the CC and he is keeping the allottees in dark.

On query respondent submitted that till date he has not received CC. In absence of completion certificate offer of possession cannot be given legally. The flat/unit is in habitable position or not, in absence of OC the same cannot be determined.

Appellant further submitted that though sale deed of the flat in question has been executed in favour of the appellant on 07.08.2014 but the same is not in habitable condition. He also submitted that in paragraph-3 of the sale deed it is already mentioned that the respondent/builder-company will hand over the possession to the appellant after fulfilment the every amenities as per the terms and condition of the broacher, but failed to do so.

Both the parties requested that settlement is possible by mutual discussion.

Appellant is directed to meet with Sri Hemant Kumar Mukherji, Manager of the respondent/builder-company on 12.11.2022 at 12:00 pm.

List this appeal on **06.12.2022** for further order.

(K.K. Jain)

(T.B. Singh)

Dated: 10.11.2022
PRADEEPKUMAR