

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-847/2020

MRS. NEELAM J SINGH

.....Appellant

Versus

M/S JAIPRAKASH ASSOCIATES LIMITED

.....Respondent

Counsel for Appellant
MR. VISHAL GANDA

Counsel for Respondent

Hon'ble Mr. Justice (Dr.) D.K. Arora, Chairman
Hon'ble Mr. Rajiv Misra, Administrative Member

Shri Altaf Mansoor, the learned counsel for the respondent raises grave objection regarding maintainability of the present appeal and submitted that the affidavit at page no. 23 of the memo of appeal has been sworn at Mumbai on 10.11.2020 by the applicant/appellant stating therein that she is the appellant in the accompanying appeal and well versed with the facts and circumstances of the case and as such competent to depose the present affidavit on her own behalf. In the second paragraph of the affidavit, it has been mentioned that the appeal has been drafted by the counsel on her instructions, and the contents of the paragraph are true to the best of her knowledge and belief and the legal submissions made therein are based on advice received from counsel who has drafted this affidavit under her instructions, whereas, at page no. 22, the verification of the memo of appeal is dated 21.11.2020 at New Delhi.

Shri Altaf Mansoor, learned counsel for the respondent further submitted that when the affidavit was sworn, in fact there was no appeal. Learned counsel for the respondent also drew our attention at page no. 28 of the rejoinder, which is dated 22.02.2021 at New Delhi and the affidavit in support of the same has been sworn on 17.02.2021 at Mumbai.

Learned counsel for the applicant/appellant prays for and is granted two weeks' time to explain the position through an affidavit of the applicant/appellant.

List this case on **02.04.2021**.

(Rajiv Misra)

(D.K. Arora)

Dated: 09.03.2021
GAURAVSRI