

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-108/2022

KARUNA CHAUHAN

.....Appellant

Versus

PARSVNATH DEVELOPERS LIMITED
PARSVNATH DEVELOPERS
LIMITED

.....Respondent

Counsel for Appellant
APPLICANT/APPELLANT IN-PERSON

Counsel for Respondent

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

The applicant is present in person. No one is present on behalf of the respondent.

The order-sheet indicates that the notice was issued to the respondent vide order dated 21.02.2022 and as per affidavit of service dated 10.03.2022, the notice was sent to the respondent through speed post as well as on the e-mail I.D. of the respondent. As per track record of the postal department, the notice has been delivered to the respondent on 09.03.2022, but no one is present on behalf of the respondent.

Apart from service of notice upon the respondent, all the orders are being uploaded on the e-portal of the Tribunal. The moment the order is uploaded, a link is generated automatically and goes to the parties on their e-mail I.Ds and the parties can download the order. Therefore, it cannot be said that the respondent is not aware about the status of the present proceedings.

In the interest of justice, let fresh notice be issued to the respondent, returnable on 06.04.2022.

The Registry is directed to generate a notice for 06.04.2022 and send the copy of the same through e-mail to the applicant within 48 hours. The applicant after downloading the notice will send it through speed-post to the respondent annexing copy of application for condonation of delay as well as memo of appeal and its annexures within three days. The applicant will also send the copy of application for condonation of delay as well as memo of appeal and its annexures, annexing notice issued by the Tribunal through e-mail to the respondent within three days. The applicant will file an affidavit of service annexing copy of postal receipt and transaction report of e-mail sent to the respondent as well as copy of the track record of the postal department regarding service of notice upon the respondent.

On receipt of the notice, it is open for the respondent to send objections to the application for condonation of delay as well as grounds of appeal to the applicant through e-mail within 10 days. Reply, if any, will be sent by the applicant to the respondent and its counsel within a week thereafter. The parties/legal representatives are directed to upload their respective objection/reply on the e-portal of the Tribunal before the next date of listing.

List this defective appeal on **06.04.2022** for consideration of application for condonation of delay and hearing.

It is made clear that if no objection is filed and no one appears on behalf of the respondent on the date fixed, the matter may proceed ex parte against the respondent on the date fixed.

The Registry as well as applicant is directed to send this order additionally to the respondent through e-mail.

(Rajiv Misra)

(D.K. Arora)

Dated: 15.03.2022
SYEDTANVEER