

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 2

EA-1946/2022

IN

Appeal/31/2021

AJAY PRATAP SINGH

.....Appellant

Versus

AGRANI HOMES PVT LTD

.....Respondent

Counsel for Appellant

Counsel for Respondent

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

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

Case called on.

Counsel Sri Arvind Kumar Shukla on behalf of decree holder, and counsel Sri Sanjay Awasthi on behalf of judgment debtor appeared.

On behalf of judgment debtor an application dated 18.11.2022 has been moved praying that :-

- (i)
- (ii) Stay the auction of the properties by the local administration of Varanasi.
- (iii) Direct the District Magistrate, Varanasi to stop the auction of the properties.
- (iv) Direct the District Magistrate to comply the orders dated 11.10.2022 and order dated 18.10.2022 with immediate effect allowing the judgment debtor to liquidate the properties and comply the recovery citations.
- (v) Pass any other order or direction as this Hon'ble court may deem fit and necessary.
- (vi)

Heard.

Counsels for both the parties submitted that order dated 30.08.2022 is already in the knowledge of the District Magistrate, Varanasi, and to this effect copy of the orders dated 11.10.2022 & 18.10.2022 have already been sent to the District Magistrate, Varanasi. In spite of that if the properties as mentioned in the order dated 11.10.2022 are being auctioned by the District Magistrate, Varanasi/

Recovery Officer on 22.11.2022, it is very astonishing and it would be against the order passed by the U.P. Real Estate Appellate Tribunal, Lucknow which amounts to contempt of the Court.

As per order dated 30.08.2022, “the District Magistrate, Varanasi/any other Recovery Officer is directed not to dispose the properties of the builder-company i.e. M/s. Agrani Homes Pvt. Ltd. otherwise the purpose of settlement/recovery will be frustrated”.

District Magistrate, Varanasi/any other Recovery Officer is directed to stop the auction proceeding to be held on 22.11.2022 relating to the properties of M/s. Agrani Homes Pvt. Ltd. till further order.

Copy of this order alongwith order dated 30.08.2022 be sent to the office of District Magistrate, Varanasi as early as possible.

Copy of the above order be also sent to the District Magistrate, Varanasi through “Dasti”

List this case on **25.11.2022** for further order.

(K.K. Jain)

(T.B. Singh)

Dated: 19.11.2022
PRADEEPKUMAR