

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 2

APPEAL-497/2021

LUCKNOW DEVELOPMENT AUTHORITY

.....Appellant

Versus

AMIT VISHNOI

.....Respondent

Counsel for Appellant

AMIT YADAV

Counsel for Respondent

SUYASH GUPTA

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

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

Case called on.

For detailed orders, see our judgment and order passed on separate sheets in Appeal No. 179 of 2021.

ORDER

The appeal of the appellant, Lucknow Development Authority (i.e. Appeal Nos. 179/2021, 197/2021, 280/2021, 31 of 2022, 773 of 2021, 767 of 2021, 954 of 2021, 47 of 2021, 192 of 2021, 940 of 2020 and 497 of 2021) is rejected.

The appellant-complainant of (Appeal Nos. 850 of 2020, 568 of 2021, 569/2021, 351 of 2022, 924 of 2021, 361 of 2022, 379 of 2022, 350 of 2022 and 172 of 2020) is entitled also to get interest in terms of compensation for the excluded period i.e. from 27.04.2013 to 26.10.2016, if prayed for.

The amount deposited towards Section 43(5) of the Act, 2016 be transferred to the concerned account of the Regulatory Authority forthwith for disposal as per provisions of the Act because the details of the amount recovered/or to be recovered from the appellant-Lucknow Development Authority is available only with the Regulatory Authority.

The respondent/complainant of the concerned appeal is at liberty to move an application after expiry of the period prescribed for appeal/revision for release of the amount deposited under Section 43(5) of the Act, before the learned Regulatory Authority.

No order as to costs.

The copy of this order be sent to the Regulatory Authority immediately for taking necessary action in the matter.

Let the copy of this judgment and order be placed on the record of Appeal Nos. 850 of 2020, 197 of 2021, 280 of 2021, 31 of 2022, 568 of 2021, 569 of 2021, 773 of 2021, 767 of 2021, 954/2021, 924 of 2021, 361 of 2022, 351/2022, 379 of 2022, 350 of 2022, 172 of 2020, 940/2020, 192 of 2021, 47 of 2021 and 497 of 2021.

(K.K. Jain)

(T.B. Singh)

Dated: 30.12.2022
VIJAYKUMAR