

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-19/2021

ELDECO INFRASTRUCTURE AND PROPERTIES LTD.

.....Appellant

Versus

ARGHYA KUMAR DHALI

.....Respondent

Counsel for Appellant

Counsel for Respondent

SAURABH MISRA

VINAY K LAKHANI

Hon'ble Mr. Justice (Dr.) D.K. Arora, Chairman

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

Case called on.

Mr. Saurabh Misra, learned counsel for appellant is present.

None appeared on behalf of the respondent.

In pursuance of the order dated 21.04.2022, it reveals that after publication of the notice in the daily newspaper "Amar Ujala" on 27.01.2022 having wide circulation in Delhi and since after publication no one appeared on behalf of the respondent, treating the service upon the respondent as sufficient the case was fixed for 06.05.2022 for consideration of application for condonation of delay and hearing. Thereafter the order sheet dated 06.05.2022, reveals that treating the service as sufficient, ten days time was granted to the respondent to file objection to the grounds of appeal and the case was fixed on 30.05.2022 for hearing. Learned counsel for appellant and the Registry was directed to send copy of the order dated 06.05.2022 to the respondent on his e-mail ID.

As per office report the order was communicated through e-mail to the respondent on 10.05.2022. As per functioning and practice of the Tribunal as soon, the notice as well as entire pleadings are uploaded on the e-portal of the Tribunal a link is generated and sent to the parties and the parties can download the same from the e-portal of the Tribunal, therefore, it cannot be said that the applicant is not aware of the present proceeding. Since despite sending notice on e-mail and its publication in the newspaper the respondent is

not present and the Tribunal having no option except to proceed ex-parte against the respondent.

Accordingly, we proceed with the case ex-parte against the respondent.

On the request of the learned counsel for the appellant list this case on **27.07.2022** for hearing.

Learned counsel for the appellant as well as Registry is directed to send copy of this order to the respondent on his e-mail ID today itself.

List this case on **27.07.2022** for ex-parte hearing.

(K.K. Jain)

(D.K. Arora)

Dated: 25.07.2022
VIJAYKUMAR