

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

**IA-663/2025
IN
Appeal/792/2022**

RISHABH BUILDWELL PVT. LTD.

.....Appellant

Versus

KAPIL CHAWLA KAPIL CHAWLA

.....Respondent

Counsel for Appellant

Counsel for Respondent

Hon'ble Mr. Justice Suneet Kumar, Chairman

Hon'ble Mr. Devindar Singh Chaudhry, Technical Member

Heard Sri Vibhanshu Srivastava, learned counsel for the respondent allottee and Sri Amit Yadav, learned counsel for the appellant promoter.

Learned counsel for the respondent allottee submits that IA No. 663/2025 is an application for release of amount, deposited by the appellant promoter in compliance of Section 43 (5) of Act 2016. Learned counsel for the respondent applicant submits that appeal of the promoter has been dismissed by the Tribunal vide judgement/order dated 28.01.2025 and till date, no appeal/writ has been filed by the appellant promoter at any forum/court of law against the judgement/order dated 28.01.2025 of this Tribunal. In view, thereof, amount deposited by the appellant promoter under Section 43 (5) of Act, 2016 be transferred to UP RERA for disbursement in execution proceeding.

On due consideration, we accept the request of respondent allottee and application for release of amount is accordingly **allowed**.

Registry is directed to transfer the amount deposited by the appellant promoter in compliance of Section 43 (5) of Act 2016 to UPRERA for disbursement in the execution proceedings.

It will be the liability of beneficiary to pay income tax, if any, on the interest accrued, if any, on the amount deposited by the promoter in compliance of Section 43 (5) of Act 2016.

(Devindar Singh Chaudhry)

(Suneet Kumar)

Dated: 02.07.2025
MANSINGH