

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-448/2023

HIMALAYA REALESTATE PVT LTD

.....Appellant

Versus

ASHOK KUMARASHOK KUMAR

.....Respondent

Counsel for Appellant

Counsel for Respondent

NILAYA GUPTA

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

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

No one is present on behalf of the applicant.

On examination of record, we found that in compliance of the provisions of Section 43(5) of the Act, the applicant has deposited an amount of Rs. 3,32,509/- on 10.05.2023 online through ICICI Bank (which includes amount of Rs. 2,72,509/- towards interest as per C.A. Certificate, compensation amount of Rs. 50,000/- along with cost of Rs. 10,000/-).

The Accounts Department is directed to check the amount deposited by the applicant towards compliance of the provisions of Section 43(5) of the Act in pursuance to the order of the Adjudicating Officer of the Regulatory Authority.

In the meantime, in the interest of justice and in order to expedite the proceedings, we deem it proper to issue notice to the respondent on the application for condonation of delay, returnable on 21.08.2023.

The Registry will generate a notice for 21.08.2023 and send the same through e-mail to the applicant and its counsel 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 and 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 and grounds of appeal to the applicant and its counsel through e-mail within 10 days. Reply, if any, will be sent by the applicant to the respondent within a week thereafter. The parties/legal representatives are directed to upload their respective objection/reply on the e-portal of the Tribunal immediately thereafter.

List this defective appeal on **21.08.2023** for consideration of application for condonation of delay and hearing.

(K.K. Jain)

(D.K. Arora)

Dated: 03.07.2023
SYEDTANVEER