

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 2

APPEAL-121/2022

SUNIL KUMAR MISRA

.....Appellant

Versus

KANPUR DEVELOPMENT AUTHORITY KANPUR DEVELOPMENT
AUTHORITY

.....Respondent

Counsel for Appellant
PRAKHAR DIXIT

Counsel for Respondent

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

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

Case called on.

Counsel Sri Siddharth Singh on behalf of appellant, and counsel Sri Bhupendra Singh on behalf of respondent appeared.

Counsel for the respondent submitted that sale deed of the flat in question has already been executed in favour of the appellant but till date appellant has not taken possession of the same.

Countervailing the argument of counsel for the respondent, counsel for the appellant submitted that appellant had taken only symbolic possession of the flat in question.

As the sale deed of the flat in question has already been executed in favour of the appellant, the appellant is directed to take physical possession of the same and if he finds any defect in the allotted flat, he must submit the facts in details before the Tribunal.

Counsel for the appellant further submitted that though the sale deed has been executed in favour of the appellant but till date the respondent-Kanpur Development Authority has not obtained the OC/CC.

Respondent is directed to submit the copy of the OC/CC and correct calculation details, before the date fixed, and copy of the same will be sent on the respective e-mail addresses of the appellant and his counsel, before the date fixed.

Appellant is also directed to submit clear details of the amount which he has to receive from the respondent and what he has to pay to the respondent.

List this appeal on **10.10.2022** for further order.

(K.K. Jain)

(T.B. Singh)

Dated: 12.09.2022
PRADEEPKUMAR