

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

MISC. CASE-507/2020

AIR FORCE NAVAL HOUSING BOARD

.....Appellant

Versus

CDR RAJAT AGGARWAL

.....Respondent

Counsel for Appellant

ASHISH KUMAR SINGH

KUSHAGRA DIKSHIT

Counsel for Respondent

RAKESH KUMAR RANA

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

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

Shri Kushagra Dikshit, learned counsel for the applicant moved an application for amendment in the prayer clause.

The submission of learned counsel for the applicant is that the applicant is only aggrieved by the order of the Regulatory Authority to the extent of grant of interest for the alleged delayed period in handing over of the possession.

Shri Rakesh Kumar Rana, learned counsel for the respondent initially submitted that this application is only to delay the proceeding and infact the entire impugned order is again challenged.

We have examined the submission of learned counsels for the parties and perused the application for amendment in the prayer clause and found that the applicant has confined challenge to the extent of direction no. 2 whereby the Regulatory Authority granted interest for delay.

On examination, we don't find any force in the submission of learned counsel for the respondent. **The application is allowed.** Learned counsel for the applicant is permitted to incorporate the proposed amendment in the prayer clause during the course of day in the court itself.

Amended copy of the memo of appeal will be uploaded on the e-portal of the Tribunal within 3 days.

List this case alongwith other similar matters of the applicant for consideration of application for condonation of delay and hearing on **06.01.2023**.

In the meantime, learned counsel for the applicant will ensure the compliance of Section 43(5), if the same has not been done.

(K.K. Jain)

(D.K. Arora)

Dated: 14.12.2022
GAURAVSRI