

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 2

APPEAL-904/2021

BALBIR SAHAI SAXENA

.....Appellant

Versus

JUGUL KISHORE COLONISERS PRIVATE LTD.

.....Respondent

Counsel for Appellant

RAJESH CHADHA

R U VERMA

Counsel for Respondent

RAKESH PANDEY

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

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

Case called on.

Mr. R,U. Verma, learned counsel for appellant and Mr. Jugul Kishore along with Mr. Rakesh Bajpai, learned counsel for respondent are present.

Learned counsel for appellant submitted that sale deed of the flat in question has been executed in favour of the appellant and possession of the flat has already been given to the appellant but respondent vehemently opposed and submitted that he has not received the possession of the flat. During the course of hearing appellant admitted that he has put his lock over the lock of the respondent. Learned counsel for respondent submitted that he has given possession of the flat in question to the appellant but unnecessarily the appellant is denying the true fact.

Learned counsel for appellant further submitted that respondent has promised to provide facilities as per Annexure No.A-2 (page 18 of appeal) but the same not been provided to him and also submitted that the details of facilities to be provided and not provided are mentioned in Annexure No. A-5 (Page 38 & 39 of appeal) whereas learned counsel for respondent made an effort to prove that the facilities as mentioned in Annexure No.A-2 (page 18) been provided to the appellant.

The learned counsel for respondent is also ready to make an inspection of the flat in question to prove the veracity of his statement.

To resolve this issue a Commission is appointed comprising of two Members (Mr. Abhishek Khare-Mobile No.9532040914 and Mr. Amit Yadav-Mobile No.8004600000), as Advocate Commissioners to inspect the site in question and file their reports with respect to the facilities to be provided (Annexure A-2) and not provided (Annexure A-5) after one week from the date of the inspection.

The Advocate Commissioners are directed to inspect the site on 30.07.2022 at 12.00 (Noon).

Learned counsel for the parties are directed to provide copies of the relevant documents to the learned Advocate Commissioners as required by them. Both parties are also directed to remain present at the time of inspection along with their learned counsels.

It is also directed to the parties that Inspection fee shall be paid to the Advocate Commissioners amounting to Rs.20,000/-(Rs.10,000/- each) which shall be borne by both the parties equally.

List this case on **10.08.2022** for further orders.

(K.K. Jain)

(T.B. Singh)

Dated: 18.07.2022
VIJAYKUMAR