

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-177/2022

SAMRAT BASU

.....Appellant

Versus

**DHANYA PROMOTERS PRIVATE LIMITED (MAHAGUN
GROUP)DHANYA PROMOTERS PRIVATE LIMITED
(MAHAGUN GROUP)**

.....Respondent

**Counsel for Appellant
MANDEEP SINGH**

**Counsel for Respondent
ANURAG SRIVASTAVA**

**Hon'ble Mr. Justice (Dr.) D.K. Arora, Chairman
Hon'ble Mr. Sanjai Khare, Judicial Member**

Sri Mandeep Singh, learned counsel for appellant submitted that on filing reply to the objection of the respondent on 28.09.2022, the instant appeal became ripe for hearing and the matter is being adjourned on various grounds.

On 18.01.2024, Ms.Aahuti Agarwal has put in appearance on behalf of respondent and informed regarding her instructions in the morning to appear on behalf of respondent and sought a week's time for filing vakalatnama as well as preparing her brief.

Today the request of Ms.Aahuti Agarwal that as she could not file her vakalatnama on behalf of respondent, therefore, she may be discharged from the responsibility of being counsel for respondent in this case is not acceptable and the matter may be proceeded on the basis of available record.

On examination we found that it was a statement of Ms.Aahuti Agarwal that she has been instructed by respondent to appear in this matter and sought a week's time for filing vakalatnama as well as preparing her brief and today her request to discharge from the responsibility of being counsel of the respondent on the ground that she could not get vakalatnama is a serious issue. If the respondent has engaged Ms.Aahuti Agarwal and instructed to appear then necessary authorization/vakalatnama ought to have been issued in her favour and if there was any issue then respondent ought to have taken care of today's hearing by making alternative arrangement.

On 18.01.2024, the matter was got adjourned at the behest of respondent and today again we are on the same stage as no one is present on behalf of respondent.

We take a serious note of the matter and summon the CMD of the respondent on 19.02.2024 to explain as to whether instructions were issued to Ms.Aahuti Agarwal for appearing on its behalf, and if yes, then why the necessary authorization/vakalatnama has not been given well in time.

The Registrar of the Tribunal is directed to send copy of this order to the respondent.

List this appeal for orders/hearing/appearance of the CMD of the respondent on **19.02.2024**.

(Sanjai Khare)

(D.K. Arora)

Dated: 15.02.2024
MOHDIRKHAN