

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-65/2024

VATIKA NIRMAN PRIVATE LIMITED

.....Appellant

Versus

SHASHANK GUPTA

.....Respondent

Counsel for Appellant

Counsel for Respondent

HARISH PANDEY

AAHUTI AGARWAL

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

Hon'ble Mr. Sanjai Khare, Judicial Member

Heard Sri Harish Pandey, learned counsel for applicant.

Submission of learned counsel for applicant is that in pursuance to the order of the Regulatory Authority, the possession is to be given to the respondent by 12.12.2024 and no interest has been granted, hence no amount towards compliance of Section 43(5) of the Act is to be deposited at this level.

Learned counsel for applicant has also placed on record the certificate of CA with respect to no liability towards compliance of Section 43(5) of the Act.

There is no other defect indicated by the Registry.

As no amount is to be deposited by the applicant towards compliance of Section 43(5) of the Act for entertaining the instant appeal, hence we direct the Registry to convert the instant defective appeal into regular appeal.

Let the notice be issued to respondent, returnable on 18.03.2024 to file objections.

The Registry will generate a notice for 18.03.2024 and send the same through e-mail to the appellant and his counsel within 48 hours. The appellant after downloading the notice will send it through 'Dasti' in presence of two independent witnesses as well as through online mode to the respondent annexing memo of appeal and its annexures within three days.

Learned counsel for the appellant will file an affidavit of service annexing receipt of the notice along with endorsements of two independent witnesses and transmission/transaction report of online forwarding of documents

On receipt of the notice, it is open for the respondent to file objections send soft copy of the same to the appellant and his/her counsel through e-mail within a week. Reply, if any, will be sent by the appellant to the respondent within a week thereafter.

The parties/legal representatives are directed to upload their respective objections/reply on the e-portal of the Tribunal immediately thereafter.

List this appeal for hearing/orders on **18.03.2024**.

(Sanjai Khare)

(D.K. Arora)

Dated: 06.03.2024
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