

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-71/2022

RAMESH KUMAR DHADWAL

.....Appellant

Versus

AIMS RG ANGEL PROMOTERS PRIVATE LIMITED
AIMS RG
ANGEL PROMOTERS PRIVATE LIMITED

.....Respondent

Counsel for Appellant

KSHEMENDRA SHUKLA

ATHARVA ARYA

ANUBHAV PRAKASH SRIVASTAVA

Counsel for Respondent

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

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

Shri Kshemendra Shukla, learned counsel for the applicant submitted that an affidavit of service has been filed in pursuance to order dated 15.02.2022. The speed post sent to the respondent has been received back with remark that the respondent refused to accept and the same has also been mentioned in the report of the track record of the postal department, but the notice sent through email has been delivered on 12.03.2022. The copy of the transit report is placed on record. The submission of learned counsel for the applicant is that since the respondent refused to accept the notice through post but the same has been delivered on the email ID of the respondent registered with the RERA, therefore the notice on the respondent be treated as sufficient and the matter may be proceeded ex-parte against the respondent.

Taking into consideration the submission of learned counsel for the applicant, we deem it appropriate to issue fresh notice to the respondent. Registry is directed to issue fresh notice, returnable on 20.04.2022.

The Registry will generate notice for 20.04.2022 and send the same through email to the applicant and his counsel within 48 hours. After receipt of the notice, learned counsel for the applicant will download the same and send the notice and application for condonation of delay alongwith memo of appeal with its annexures to the respondent through email to the respondent within 3 days.

On receipt of the notice, it is open for the respondent to send objections to the applicant and his counsel through email within 7 days. Reply, if any, will be sent by the applicant to the respondent within a week thereafter.

The parties/LRs are directed to upload their respective pleadings on the e-portal of the Tribunal in the respective folders immediately after expiry of the aforesaid period.

List this case for consideration of application for condonation of delay and hearing on **20.04.2022**.

(K.K. Jain)

(D.K. Arora)

Dated: 29.03.2022
GAURAVSRI