

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-271/2022

USHA CHHABRA

.....Appellant

Versus

YAMUNA EXPRESSWAY INDUSTRIAL DEVELOPMENT
AUTHORITYYAMUNA EXPRESSWAY INDUSTRIAL
DEVELOPMENT AUTHORITY

.....Respondent

Counsel for Appellant
MAHIMA PAHWA

Counsel for Respondent
PRASHANT SINGH

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

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

Ms. Mahima Pahwa, Advocate is present on behalf of the appellant.

A request has been received from Shri Prashant Kumar Singh, the learned counsel for the respondent for adjournment of the case on the ground of his being busy in Hon'ble High Court.

The order-sheet reveals that while issuing notice to the respondent vide order dated 26.05.2022, the respondent was directed to send objections to the appellant and her counsel through email within 10 days and on receipt of the objections, the appellant was required to send reply within a week thereafter. On 18.07.2022 Shri Ankit Raj Chaudhary, Advocate appeared on behalf of the respondent and on his request 15 days' time was granted for filing objections to the grounds of appeal. The learned counsel for the respondent assured that he will send the soft copy of the objection on the email ID of the appellant and her counsel within 15 days. Shri Prashant Kumar Singh, Advocate uploaded his Vakalatnama on the e-portal of the Tribunal on 15.08.2022. Thereafter on 16.08.2022, a request for adjournment of the case was received from Shri Prashant Kumar Singh, the learned counsel for the respondent on the ground that he is busy with some urgent work. This Tribunal

looking to the fact that the objections have not been filed by the respondent, granted a week's and no more time to the learned counsel for the respondent for filing objections. The learned counsel for the respondent was directed to send the soft copy of the objections to the appellant and her counsel within a week. On receipt of the objections, learned counsel for the appellant was required to send reply, if any to the respondent and its counsel within a week thereafter.

Today, once again a request has been received from Shri Prashant Kumar Singh, the learned counsel for the respondent for adjournment of the case on the ground of his being busy in Hon'ble High Court.

As far as issue of adjournment of the case on personal difficulty is concerned, this Tribunal always accommodates the learned counsels, but despite the stop order, not filing the objection by the learned counsel for the respondent is not acceptable. Section 44(5) of the Act 2016 mandates the Tribunal to make an endeavour to dispose of the appeal within a period of 60 days from the date of its receipt and this target cannot be achieved without the help and cooperation of all the stake holders.

Every order is being uploaded on the e-portal of the Tribunal and the moment the order is uploaded, a link is generated automatically and sent to the parties on their registered mobile numbers and they can download the same at any moment. Therefore, it cannot be said that the respondent is not aware about the proceedings before this Tribunal.

As learned counsel for the respondent has not filed objections despite the stop order, now we are left with no option except to close the opportunity of filing objections by the respondent.

Accordingly, while adjourning the today's proceedings, we close the opportunity of filing objections by the respondent.

List this appeal for hearing on **28.09.2022**.

It is made clear that on the date fixed, the appeal will not be adjourned on any count. If learned counsel for the respondent has any difficulty to appear on the date fixed, then he will have to make alternative arrangement.

(K.K. Jain)

(D.K. Arora)

Dated: 06.09.2022
SYEDTANVEER