

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-139/2020

U.P. AVAS EVAM VIKAS PARISHAD

.....Appellant

Versus

SAROJ SINGH

.....Respondent

Counsel for Appellant

N N PANDEY

Counsel for Respondent

HARISH PANDEY

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

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

Shri N.N. Pandey, learned counsel for the appellant pressed only Grounds No. S, T and U while challenging the impugned order passed by the Regulatory Authority.

The learned counsel for the appellant emphasized that in the complaint, the respondent sought compensation for delay, but the Regulatory Authority passed the impugned order granting interest for delay period. The learned counsel for the appellant in support of his submission placed reliance on the judgment passed in Appeal No. 77/2022. The learned counsel for the appellant further submitted that the impugned order has been passed by the Regulatory Authority beyond the pleadings and prayer.

A specific query was made from learned counsel for the appellant as to what provision of the Act 2016 has been violated by the Regulatory Authority while passing the impugned order, the learned counsel for the appellant submitted that the impugned order has been passed in violation of Section 18(2) of the Act 2016.

Shri Harish Pandey, learned counsel for the respondent while opposing the submission of learned counsel for the appellant submitted that the complaint was filed before the Regulatory Authority on Form-M and not before the Adjudicating Officer. The appellant has not raised any objections before the Regulatory Authority as pressed by the appellant vide ground no. S, T and U before this Tribunal. In fact the objections before the Regulatory Authority of the appellant was in sum and substance was reiteration of the provisions of the Brochure and the appellant tried to justify the delay in completion of the project and giving possession of the booked unit to the respondent. The learned counsel for the respondent submitted that no illegality and perversity in the impugned order passed by the Regulatory Authority for granting interest for the delay period though the respondent is aggrieved with respect to the period of delay, but in order to buy the peace of mind, respondent did not choose to challenge the same.

Shri N.N. Pandey, learned counsel for the appellant submitted that he does not want to submit anything in response to the submissions of learned counsel for the respondent.

Heard.

Judgment reserved.

(K.K. Jain)

(D.K. Arora)

Dated: 04.07.2023
SYEDTANVEER