

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-306/2021

U.P. AVAS EVAM VIKAS PARISHAD

.....Appellant

Versus

SHOBHIT CHATURVEDI

.....Respondent

Counsel for Appellant

Counsel for Respondent

ANOOP KUMAR ASTHANA

AKHAND PRATAP SINGH

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

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

Shri Akhand Pratap Singh, the learned counsel for the applicant is present. No one is present on behalf of the respondent.

The order-sheet dated 10.03.2022 indicates that Dr. Azhar Ikram, Advocate appeared on the said date and informed that he was required to file Vakalatnama and objections but as the respondent suffered from Covid-19 infection, therefore, the same could not be filed. Taking into consideration the request of Dr. Azhar Ikram, the learned counsel for the respondent, 10 days' and no more time was granted for filing objections as well as Vakalatnama on behalf of respondent.

As per office report dated 04.04.2022, neither Vakalatnama nor objections have been filed by the respondent.

From the perusal of record, it is evident that Dr. Azhar Ikram, Advocate put in appearance on 10.01.2022 and subsequently he appeared on 10.03.2022 and sought ten days further time for filing objections to the application for condonation of delay as well as grounds of appeal along with Vakalatnama, but no action has been taken for filing objections and Vakalatnama.

We take a serious view of the matter and close the opportunity of filing objections by the respondent and proceed ex parte against him, as despite opportunities, the Vakalatnama and objections have not been filed on behalf of the respondent. Further, Section 44(5) of the Act mandates the Tribunal to make an endeavour to dispose of appeal expeditiously within 60 days from the date of its receipt. This appeal was filed on 23.03.2021 and more than one year has already passed.

List this defective appeal on **19.04.2022** for consideration of application for condonation of delay and hearing.

The learned counsel for the applicant and Registry is directed to send this order to the respondent through e-mail.

(K.K. Jain)

(D.K. Arora)

Dated: 05.04.2022
SYEDTANVEER