

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-311/2023

U.P. AWAS EVAM VIKAS PARISHAD

.....Appellant

Versus

PRAYAG SINGH AIRYPRAYAG SINGH AIRY

.....Respondent

Counsel for Appellant

Counsel for Respondent

AKHAND PRATAP SINGH

VIJAY PRATAP SINGH CHAUHAN

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

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

Heard Shri Akhand Pratap Singh, learned counsel for the applicant.

The learned counsel for the applicant submitted that in compliance of the provisions of Section 43(5) of the Act, the applicant has deposited an amount of Rs.3,84,634/- vide DD No. 500798 dated 22.03.2023 drawn on ICICI Bank. The learned counsel for the applicant further submitted that as compliance of Section 43(5) of the Act has been made and the appeal has been filed with delay, therefore, notice be issued to the respondent on the application for condonation of delay.

Let notice be issued to the respondent, on the application for condonation of delay, returnable on 31.05.2023.

The Registry will generate a notice for 31.05.2023 and send the same through e-mail to the applicant and its counsel within 48 hours. The applicant after downloading the notice will send it through speed-post to the respondent annexing copy of application for condonation of delay as well as memo of appeal and its annexures within three days. The applicant will also send the copy of application for condonation of delay and memo of appeal and its annexures, annexing notice issued by the Tribunal through e-mail to the respondent within three days. The

applicant will file an affidavit of service annexing copy of postal receipt and transaction report of e-mail sent to the respondent as well as copy of the track record of the postal department regarding service of notice upon the respondent.

On receipt of notice, it is open for the respondent to send objections to the application for condonation of delay and grounds of appeal to the applicant and its counsel through e-mail within 10 days. Reply, if any, will be sent by the applicant to the respondent within a week thereafter. The parties/legal representatives are directed to upload their respective objection/reply on the e-portal of the Tribunal immediately thereafter.

List this appeal on **31.05.2023** for consideration of application for condonation of delay and hearing.

(K.K. Jain)

(D.K. Arora)

Dated: 19.04.2023
SYEDTANVEER