

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-624/2022

U.P. AWAS EVAM VIKAS PARISHAD

.....Appellant

Versus

MOHIT TYAGI MOHIT TYAGI

.....Respondent

Counsel for Appellant
SHIKHAR SRIVASTAVA

Counsel for Respondent
KAVIYA SINGH
RISHINDRA VIKRAM SINGH

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

Heard Sri Rishindra Vikram Singh, learned counsel for the appellant in appeal Nos. 648/2022 and respondent in appeal No.624/2022 and Sri Shikhar Srivastava, learned counsel for the respondent in appeal No. 648/2022 and appellant in appeal No.624/2022.

Learned counsel for the appellant submitted that in the matter, though the conveyance deed was executed in paper on 25.11.2022 but physical possession has not yet been provided to the allottee.

Due to ongoing agitation of farmers at the project site, the allottee is not in a position to construct his house on the said plot. The appellant in order to draw our attention press for various papers regarding the farmers' agitation and grievances of people with reference to not giving the possession by the Developer. The allottee also placed on record a copy of Hon'ble High Court Order passed in writ petition 849/2022 in the case of Ms Anju Sharma & Others Vs UP Housing Development Board wherein the Hon'ble High Court has directed to ensure the actual physical possession to the petitioner and file an affidavit for handing over the possession for the unit in question.

Sri Shikhar Srivastava, learned counsel for respondent requested that he may be given time to reassess the status of case from the authorities.

Appreciating the request 10 days time is given to the counsel for the respondent for getting the instructions with reference to actual physical possession of the unit to the allottee i.e. Sri Mohit Tyagi as well as status of farmer's agitation on the project in question.

List this appeal along with cross appeal of the allottee i.e. appeal No 648/22 for hearing on **22.08.2023**

(K.K. Jain)

(D.K. Arora)

Dated: 18.07.2023
SANTOSHKSHUKLA