

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-232/2021

VINOD KUMAR

.....Appellant

Versus

CITIZEN HOUSING AND DEVELOPING CO-OPERATIVE SOCIETYRespondent

Counsel for Appellant

ANIL KUMAR MISHRA

Counsel for Respondent

DHARAMRAJ N

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

Hon'ble Mr. Rajiv Misra, Administrative Member

Shri Anil Kumar Misra, learned counsel for the applicant is present and Shri Dharmraj N., learned counsel for the respondent is present.

Learned counsel for the applicant is aggrieved with the order of the RERA on account of non-grant of rate of interest on the refund of the amount as per the agreement.

Learned counsel for the respondent submitted that the agreement cannot be looked into as the applicant was defaulter and as per the provisions of Clause 4.1 of the agreement, on account of default on the part of the allottee the agreement ceases to exist. But since the order of the RERA has not been challenged, therefore, they have paid the entire amount alongwith interest in compliance of the impugned order. Learned counsel for the respondent further submitted that under the provisions of Section 18, the rate of interest is to be granted for the delay in possession or in case of refund only, as prescribed under the provisions of Act and Rules. Therefore, the present appeal being misconceived deserves to be dismissed.

Heard Shri Anil Kumar Misra, learned counsel for the applicant and Shri Dharmraj N., learned counsel for the respondent.

Judgment reserved.

(Rajiv Misra)

(D.K. Arora)

Dated: 04.01.2022
GAURAVSRI