

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-48/2024

AR LANDCRAFT LLP

.....Appellant

Versus

RAHUL GUPTA

.....Respondent

Counsel for Appellant

Counsel for Respondent

SYED MOHAMMAD ABID

SAURABH GAUBA

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

Hon'ble Mr. Sanjai Khare, Judicial Member

An application MA No.217/2024 for listing and application IA No.660/2024 for seeking exemption from filing CA certificate and pre-deposit as per Section 43(5) of the Act have been filed on 27.02.2024.

As the appeal is listed and the applicant has also submitted that no order is required on the above application and the applicant has made compliance towards the compliance of Section 43(5) of the Act, therefore, both the aforesaid applications are disposed of.

An application dated 14.04.2024 has been filed by the applicant bringing on record the details of the compliance of Section 43(5) of the Act.

Submission of learned counsel for applicant is that an amount of Rs.34,70,236/- has been deposited by the applicant towards compliance of Section 43(5) of the Act as per impugned order of the Regulatory Authority and in support of the same certificate of CA dated 11.03.2024 has also been brought on record. He further submits that since compliance of section 43(5) of the Act is complete, therefore, the matter may be proceeded further.

Further submission of learned counsel for applicant is that the appeal has been filed within the period of limitation. We found that the instant case has been filed within the period of limitation provided in Act, 2016 and compliance of provisions of Section 43(5) of the Act has also been made by the applicant. Registry is directed to convert the instant defective appeal into regular appeal.

Let notice be issued to the respondent returnable on 15.05.2024. The Registry will generate a notice for 15.05.2024 and send the same through e-mail to the applicant and his counsel within 48 hours. The applicant after downloading the notice will

send it through speed-post to the respondent annexing copy of memo of appeal and its annexures within three days. The applicant will also send the copy of 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 the notice, it is open for the respondent to send objections to the ground of appeal to the applicant and his 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 for orders/hearing on **15.05.2024**.

(Sanjai Khare)

(D.K. Arora)

Dated: 15.04.2024
IRFAN