

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-476/2024

DOMUS GREENS PRIVATE LIMITED

.....Appellant

Versus

MOHINI TRIPATHI AND ROHIT TRIPATHI

.....Respondent

**Counsel for Appellant
AMIT KUMAR SINGH**

Counsel for Respondent

Hon'ble Mr. Justice Suneet Kumar, Chairman

Hon'ble Mr. Devindar Singh Chaudhry, Technical Member

1. A request for adjournment has been received on behalf of Sri Sunendra Kumar Singh, learned counsel for the respondent.
2. Heard Sri Amit Kumar Singh, learned counsel for the appellant.
3. Order dated 17.02.2025, records that application for release of bank account of the appellant in execution proceedings would be consider on the date fixed.
4. The appellant/promoter has filed an application dated 20.02.2025, wherein, it has been submitted that entire decretal amount sought to be recovered pursuant to the recovery certificate, has been deposited on 06.11.2024 before this Tribunal in compliance of the mandate of Section 43(5) of the Act, 2016. In view thereof, appellant vide application dated 20.02.2025 seeks modification of the order dated 10.01.2025, wherein, deposit of Rs. 30 lakh over and above to decretal amount recovered by the Revenue Authority and paid to the U.P. RERA was directed to be made subject to outcome of the appeal.

5. Having due regard to the facts and circumstances of the case, since the decretal amount has been duly satisfied in compliance of Section 43(5) of the Act, 2016, in view thereof, there is no occasion for the Regulatory Authority to withhold Rs. 30 lakh. Accordingly, it is provided that an appropriate application shall be filed by the appellant before the learned Regulatory Authority seeking release of Rs. 30 lakh. In the event, such an application is filed, it is expected that same shall be considered and disposed of, expeditiously, within two weeks, provided there is no other impediment. After release of the amount, the appellant would be at liberty to file an application before the concerned Revenue Authority/Bank for de-freezing the bank account of the appellant. Order dated 10.01.2025 shall stand modified to the extent hereinabove. The application is disposed of.

6. List this appeal on **21.03.2025**.

(Devindar Singh Chaudhry)

(Suneet Kumar)

Dated: 20.02.2025
PRADEEPKUMAR