

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-206/2025

KVIR TOWERS PRIVATE LIMITED

.....Appellant

Versus

UTTAR PRADESH REAL ESTATE REGULATORY AUTHORITYRespondent

Counsel for Appellant

Counsel for Respondent

SIDDHARTH NANDWANI

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Hon'ble Mr. Justice Suneet Kumar, Chairman

Hon'ble Mr. Sanjai Khare, Judicial Member

Hon'ble Mr. Devindar Singh Chaudhry, Technical Member

Order on IA No.650 of 2025 – Application for waiver

Heard Sri Apoorva Tiwari, Advocate along with Sri Siddharth Nandwani, Sri Sarvjeet Singh and Ms.Akriti Agarwal, learned counsels for appellant/applicant.

Learned counsel appearing for appellant/applicant seeks waiver for compliance of mandate under Section 43(5) of the Act.

It is submitted by the learned counsel for appellant/applicant that in the present appeal the order impugned pertains to rejection of their application from registration of the real estate project. In view thereof, it is submitted that the appellant does not incur any liability to comply the mandate of Section 43(5) of the Act.

Having due regard to the averments and submissions of learned counsel for appellant, the promoter is not required to deposit any amount pursuant to the impugned order.

Accordingly, the application IA No.650 of 2025 for waiver is **disposed of**.

Order on Appeal

Issue notice to respondent returnable by 07.07.2025.

The Registry will generate a notice for 07.07.2025 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 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 grounds 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.

Apart from the above mode of service *dasti* notice for service on respondent be also issued.

Defect, if any, shall also be removed.

List this appeal for orders/hearing on **07.07.2025**.

(Devindar Singh Chaudhry)

(Sanjai Khare)

(Suneet Kumar)

Dated: 30.05.2025

IRFAN