

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-806/2022

YAMUNA EXPRESSWAY INDUSTRIAL DEVELOPMENT
AUTHORITY

.....Appellant

Versus

DR. ARINDAM BASUDR. ARINDAM BASU

.....Respondent

Counsel for Appellant
PRASHANT KUMAR SINGH

Counsel for Respondent

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

As per office report, the applicant has submitted bank draft of Rs.3,79,703/- bearing no. 509775 and another bank draft of Rs.1,62,730/- bearing no. 509777 both dated 02.09.2022 drawn on ICICI Bank, towards compliance of the provisions of Section 43(5) of the Act.

The submission of learned counsel for the applicant is that since the applicant has challenged the interest awarded to the respondent and as per certificate of Chartered Accountant, the amount has been deposited towards compliance of the provisions of Section 43(5) of the Act, therefore, the compliance of Section 43(5) of the Act is complete and in the interest of justice, notice be issued to the respondent on the application for condonation of delay.

Let notice be issued to the respondent on the application for condonation of delay, returnable on 02.01.2023.

The Registry will generate a notice for 02.01.2023 and send the same through e-mail to the applicant and its counsel within 48 hours. The applicant after downloading the notice will send it through speed-post to the respondent annexing the copy of application for condonation of delay as well as memo of appeal and its annexures within three days. The applicant will also send the copy of application

for condonation of delay and 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 its 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 on **02.01.2023** for consideration of application for condonation of delay and hearing.

(K.K. Jain)

(D.K. Arora)

Dated: 01.12.2022
SYEDTANVEER