

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-809/2022

PRAMOD KUMAR KHAITAN

.....Appellant

Versus

PRATEEK INFRAPROJECTS INDIA PRIVATE
LIMITED PRATEEK INFRAPROJECTS INDIA PRIVATE
LIMITED

.....Respondent

Counsel for Appellant
ABHINAV BHATTACHARYA

Counsel for Respondent

Hon'ble Mr. Justice (Dr.) D.K. Arora, Chairman
Hon'ble Mr. Sanjai Khare, Judicial Member

Sri Abhinav Bhattacharya, learned counsel for the appellant has sought adjournment on the ground of suffering from high fever. No one is present on behalf of respondent. Appellant has filed affidavit of service taking on record the postal receipt with respect to sending of notice along with memo of appeal on 22.12.2022, the track record of the Postal Department showing the delivery of notice on 27.12.2022 and soft copy of record was also sent on the e-mail ID of the respondent. On examination we found the service of notice to the respondent through post on 27.12.2022 and through online mode on 31.12.2022.

The averment of the applicant is that notice to the respondent through post as well as through online mode has been delivered, therefore, service of notice on respondents be treated as sufficient and the matter be proceeded further.

Apart from above, the moment when any appeal is uploaded, an auto-generated link goes on the email IDs of the parties registered with the RERA. Similarly, the moment any orders/document is uploaded, a link is generated and goes to the parties and parties can download the memo of appeal along with annexure, orders or any other document. Thus, it cannot be said that the respondent is unaware about the present proceedings.

However, in the interest of justice, we grant 10 days' time to the respondent for filing objections. The respondent is directed to send the copy of the same to the applicant and its counsel through email within 10 days. On receipt of the objections, the applicant will send reply, if any, to the respondent within a week thereafter.

List this appeal for hearing on **05.03.2024**.

(Sanjai Khare)

(D.K. Arora)

Dated: 25.01.2024

SANTOSHKSHUKLA