

BENCH NO.1.

THE UTTAR PRADESH REAL ESTATE APPELLATE TRIBUNAL
AT
LUCKNOW.

1. Appeal No.71 OF 2024

Yamuna Expressway Industrial Development Authority.	.....	Appellant.
	Vs.	
Arun Goel	.....	Respondent.

With

2. Appeal No.76 OF 2024

Yamuna Expressway Industrial Development Authority.	.....	Appellant.
	Vs.	
Babita Jain	.....	Respondent.

With

3. Appeal No.77 OF 2024

Yamuna Expressway Industrial Development Authority.	.....	Appellant.
	Vs.	
Bharat Dubey	.....	Respondent.

With

4. Appeal No.78 OF 2024

Yamuna Expressway Industrial Development Authority.	.....	Appellant.
	Vs.	
Vidya Devi	.....	Respondent.

With

5. Appeal No.79 OF 2024

Yamuna Expressway Industrial Development Authority.	.....	Appellant.
	Vs.	
Rajeev Gupta	.....	Respondent.

With

6. Appeal No.80 OF 2024

Yamuna Expressway Industrial Development Authority.	.....	Appellant.
	Vs.	
Chandra Kiran	.....	Respondent.

With

7. Appeal No.81 OF 2024

Yamuna Expressway Industrial Development Authority.	.....	Appellant.
	Vs.	
Dhruv & Sadhna Sharma	.....	Respondent.

With

8. Appeal No.82 of 2024

Yamuna Expressway Industrial Development Authority.	.....	Appellant.
	Vs.	
Dilip Kumar Bidawatka	.....	Respondent.

With

9. Appeal No.83 OF 2024

Yamuna Expressway Industrial Development Authority.	.....	Appellant.
	Vs.	
Surendra Mohan Tiwari	.....	Respondent.

With

10. Appeal No.84 OF 2024

Yamuna Expressway Industrial Development Authority.	.....	Appellant.
	Vs.	
Gaurav Varmani	.....	Respondent.

With

11 **Appeal No.85 OF 2024**

Yamuna Expressway Industrial Development Authority. Appellant.

Vs.

Surendra Kumar Respondent.

With

12. Appeal No.86 of 2024

Yamuna Expressway Industrial Development Authority. Appellant.

Vs.

Sonia Tokas Respondent.

With

13. Appeal No.87 of 2024

Yamuna Expressway Industrial Development Authority. Appellant.

Vs.

Sushma Vij Respondent.

With

14. Appeal No.88 of 2024

Yamuna Expressway Industrial Development Authority. Appellant.

Vs.

Lokesh Kumar Sharma Respondent.

With

15. Appeal No.90 of 2024

Yamuna Expressway Industrial Development Authority. Appellant.

Vs.

Mansi Sharma & Praveen Sharma Respondent.

With

16. Appeal No.91 OF 2024

Yamuna Expressway Industrial Development Authority. Appellant.

Vs.

Subhash Jain Respondent.

With

17. Appeal No.92 of 2024

Yamuna Expressway Industrial Development Authority.	.....	Appellant.
	Vs.	
Mohit Mehta	.....	Respondent.

With

18. Appeal No.93 of 2024

Yamuna Expressway Industrial Development Authority.	.....	Appellant.
	Vs.	
Sanjeev Kumar Arora	.....	Respondent.

With

19. Appeal No.94 of 2024

Yamuna Expressway Industrial Development Authority.	.....	Appellant.
	Vs.	
Naresh Kher	.....	Respondent.

With

20. Appeal No.95 of 2024

Yamuna Expressway Industrial Development Authority.	.....	Appellant.
	Vs.	
Niranjan Goel	.....	Respondent.

With

21. Appeal No.96 of 2024

Yamuna Expressway Industrial Development Authority.	.....	Appellant.
	Vs.	
Rohit Kumar Singla	.....	Respondent.

With

22. Appeal No.97 of 2024

Yamuna Expressway Industrial Development Authority.	.....	Appellant.
	Vs.	
Rajeev Kumar Gupta	.....	Respondent.

And

23. Appeal No.100 of 2024

Yamuna Expressway Industrial Development
Authority.

Appellant.

Vs.

Paul Singh

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Respondent.

Hon'ble Mr. Justice Suneet Kumar, Chairman.

Hon'ble Mr. Sanjai Khare, Judicial Member.

Hon'ble Mr.Devindar Singh Chaudhry, Technical Member.

1. Heard Sri Prashant Chandra, learned Senior Advocate, assisted by Sri Prashant Kumar Singh, learned counsels for appellant and Sri Avinash Singh Vishen and Sri Amit Chaudhary, learned counsels for respondent allottee.
2. This batch of appeals arise from the impugned orders, passed by the UP RERA on the complaints instituted by the respondent allottee seeking possession and delay interest.
3. This Tribunal vide judgment and order dated 14.09.2023, passed in the batch of appeals (leading being appeal no.748 of 2022) and order dated 25.09.2023 (leading appeal no.517 of 2023), decided the appeals of the allottees, as well as, that of the promoter. In this backdrop, it is submitted that the orders have been carried in appeal before the Hon'ble High Court which is pending consideration in batch of appeals (leading appeal being RERA Appeal No.124 of 2023).
4. On specific query, learned counsel for appellant submits that above RERA Appeals have not yet been admitted and there is no injunction order staying the judgment and orders passed by this Tribunal. In these circumstances the present batch of appeals is being decided in terms of judgment and orders dated 14.09.2023 and 25.09.2023.
5. Learned Senior Counsel appearing for the appellant promoter submits that the statement on behalf of promoter that has been recorded in the judgment and orders dated 14.09.2023, as well as, 25.09.2023 was not made on the basis of instructions received from the promoter but on the

basis of the fact that the project involved in these appeals was the same, however the orders passed by UP RERA was materially different.

6. Learned counsel appearing on behalf of respondent allottee submits that the order dated 14.09.2023 has been passed on merits and the concession as is being alleged by the learned Senior Counsel has not been made and recorded in the order. The concession as is being alleged in the judgment and order dated 25.09.2023, is not a ground taken by the appellant promoter in the pending RERA Appeals.
7. Be that as it may, we are not inclined to consider the rival contentions, which is subject matter of the pending RERA Appeals.
8. In the present batch of appeals, we are bound to follow our earlier orders dated 14.09.2023 and 25.09.2023.
9. Accordingly, the appeals are **disposed of** in terms of following orders :

(a) The relief sought by the allottees with respect to setting aside of levy of PLC charges is rejected in view of analysis and finding on issue no.(1).

(b) The direction of the Regulatory Authority granting 4% simple annual interest to the allottees for the period from 27.01.2014 to 30.04.2017 is modified and Promoter/YEIDA is directed to pay delay interest to the allottees at the rate of MCLR+1% per annum after expiry of four years from the date of allotment letter or deposition of 75% of the total premium of the allotted plot of the respective allottees, whichever is later (vide para 4 of the allotment letter) till obtaining OC/CC or offer of possession, whichever is later.

(c) If any allottee, in the absence of OC/CC issued by the competent authority of YEIDA, has taken physical possession of the booked unit/plot after execution of lease deed, his right to seek interest for delay will be only till the date of taking physical possession.

(d) Rest of the directions of the Regulatory Authority are upheld.

(e) The aforesaid directions be complied by the Promoter/YEIDA within 45 days from the date of uploading of this judgment/order on the portal of the Tribunal.

(f) In case of noncompliance of this order by the Promoter/YEIDA within aforesaid period, the allottees will be at liberty to approach UP RERA for execution of this order.

Dated : 07.08.2025

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(Devindar Singh Chaudhry) (Sanjai Khare) (Suneet Kumar)