

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-3/2024

VIJAY KUMAR DIXIT

.....Appellant

Versus

SHREYA DWELLERS PVT LTD

.....Respondent

Counsel for Appellant

Counsel for Respondent

TANAY HAZARI

IN PERSON

JHANAK BHAWNANI

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

Hon'ble Mr. Sanjai Khare, Judicial Member

Submission of the learned counsel for the applicant is that through a supplementary affidavit dated 24.01.2024, brochure and flat-buyer agreements have been placed on record.

Learned counsel for the applicant further submitted that the defects in the instant appeal have been removed, therefore, notice be issued to the respondent.

Office has not submitted any report in pursuance to the supplementary affidavit filed by applicant on 24.01.2024 and placing on record the brochure and flat-buyer agreement. Registry is directed to check and submit report within three days and if the defects have not been removed by the applicant, communicate the same to applicant within three days.

However, in the interest of justice and to achieve mandate of Section 44 (5) of the Act 2016, we issue notice to respondent to file objections on grounds of appeal, returnable on **13.03.2024**.

The Registry will generate a notice for 13.03.2024 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 memo of appeal and its annexures within three days. The applicant will also send the soft copy 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 file objections to the grounds of appeal and send soft copy of the same to the applicant and his/her 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 objections/reply on the e-portal of the Tribunal immediately thereafter.

List this hearing/orders on **13.03.2024**.

(Sanjai Khare)

(D.K. Arora)

Dated: 06.02.2024
MANSINGH72