

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-733/2023

VALENCIA HOMES (HAWELIA GROUP)

.....Appellant

Versus

BHAWNA KOULBHAWNA KOUL

.....Respondent

Counsel for Appellant

Counsel for Respondent

YASH TANDON

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

Hon'ble Mr. Sanjai Khare, Judicial Member

No one is present on behalf of applicant. The various defects have been reported by the office including noncompliance of Section 43 (5) of the Act 2016.

The registry is directed to communicate the defects to the applicant within three days.

On receipt of the defect intimation from Registry, the applicant will remove the defects within a week thereafter.

It is made clear that if the defects are not removed, the instant appeal will be dismissed for noncompliance of the same.

After passing of this order, Sri Tushar Bahadur Singh, Advocate, holding brief Sri Yash Tandon, learned counsel for the applicant, appeared and submitted that he may be given 24 hours' time to remove the defects, as intimated by the Registry and subject to removal of the said defects, the Registry be directed to issue notice to the respondent.

Appreciating the request of Sri Tushar Bahadur Singh, Advocate, holding brief Sri Yash Tandon, learned counsel for the applicant, we grant 24 hours' time to the applicant to remove the defects. Subject to removal of the said defects, the Registry is directed to issue notice to the respondent, returnable on 22.01.2024.

After removal of defects, the Registry will generate a notice for 22.01.2024 and send the same through e-mail to the applicants and their counsel within 48 hours. The applicant after downloading the notice will send it through speed-post to the respondent annexing 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 application for condonation of delay and 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.

List this defective appeal on **22.01.2024** for consideration of application for condonation of delay and hearing.

(Sanjai Khare)

(D.K. Arora)

Dated: 22.12.2023

SANTOSHKSHUKLA