

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-242/2023

RAHUL WADHWA

.....Appellant

Versus

DEEKSHA HOUSING PVT. LTD. DEEKSHA HOUSING PVT. LTD.

.....Respondent

Counsel for Appellant

Counsel for Respondent

PRASHANT KUMAR

FUHAR GUPTA

PRASHANT KUMAR

FUHAR GUPTA

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

Hon'ble Mr. K.K. Jain, Technical Member

This appeal has been filed within the limitation period prescribed under the Act 2016. The office report/comment does not indicate any defect, but the appeal has been shown as defective appeal.

The Registry is directed to examine and submit report. If there is no defect, the Registry will convert this defect appeal into regular appeal forthwith.

The applicant is aggrieved by the rejection of the complaint on the ground that the project of the respondent is not registered. The submission of learned counsel for the applicant is that the applicant approached the Regulatory Authority for seeking possession and execution of the conveyance deed and without examining the status of the project, the complaint has been rejected simply on the ground that the project of the respondent is not registered, whereas the Regulatory Authority was to examine the status of the project as to whether the same falls in the category of ongoing project as the specific case of the applicant before the Regulatory Authority was that no OC/CC has been received by the respondent with respect to the project in question of the respondent.

We have examined the submissions of learned counsel for the applicant and perused the record.

Let notice be issued to the respondent, returnable on 15.05.2023.

The Registry will generate a notice for 15.05.2023 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 copy of memo of appeal and its annexures within three days. The applicant will also send the copy of 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 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 appeal for hearing on **15.05.2023**.

(K.K. Jain)

(D.K. Arora)

Dated: 03.04.2023
SYEDTANVEER