

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-200/2021

RIPU DAMAN TAKHTAR & MRS. PARVEEN TAKHTAR

.....Appellant

Versus

M/S KINDLE INFRAHEIGHTS PVT. LTD.

.....Respondent

Counsel for Appellant

VAIBHAV KRISHNA

Counsel for Respondent

ANURAG ARORA

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

Hon'ble Mr. Rajiv Misra, Administrative Member

Shri Vaibhav Krishna, Advocate is present on behalf of the appellants and Shri Zaid Khan, Advocate is present on behalf of the respondent.

The appellants have approached this Tribunal challenging the order of RERA dated 19.07.2018, whereby the claim of the appellants for interest on account of delay was rejected on the ground that the appellants were defaulters in making payment in pursuance of Section 19(c) of the Act 2016.

The learned counsel for the appellants submitted that appellants have deposited 90% amount and there is no default on their part, rather whenever there was default, the appellant paid penalty.

The parties are directed to bring on record the dates of payment made by the allottee in pursuance to the payment plan mentioned in the allotment letter. The respondent is directed to bring on record the stage of default of payment, which disentitles the appellant for claiming any interest for delay in pursuance of the provisions of Section 18 of the Act 2016.

Both the parties are directed to bring on record the aforesaid details through an affidavit within two weeks, annexing the receipts of payment.

List this appeal for hearing on **14.12.2021**.

(Rajiv Misra)

(D.K. Arora)

Dated: 22.11.2021

SYEDTANVEER