

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-884/2021

NISHA SRIVASTAVA

.....Appellant

Versus

ANSAL PROPERTIES & INFRASTRUCTURE LIMITED
ANSAL PROPERTIES & INFRASTRUCTURE LIMITED

.....Respondent

Counsel for Appellant

SUSHIL KUMAR MISHRA

Counsel for Respondent

SAURABH MISRA

KRISHNA KUMAR SINGH

GAUTAM JOHRI

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

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

Heard Mr. Sushil Kumar Mishra, learned counsel for the appellant and Mr. Saurabh Misra, learned counsel for the respondent.

As per appellant he is aggrieved by the order of the Regulatory Authority directing the respondent to pay the entire amount received from the appellant in 30 monthly installments starting from August, 2021 and prayed relief for directing the respondent to refund the entire amount in two installments. On examination, we find that vide direction no.3 the respondent was directed to make payment of installment between 1st to 10th of every month and in case of any default in installments the respondent would refund the entire remaining amount in one installment.

On query, learned counsel for appellant informed that till date not a single installment has been paid by the respondent and 22 months have passed till now. Learned counsel for appellant was asked why he is pressing this appeal, whereas as per direction no.3 now he may get the order complied through execution proceedings by the agency of Regulatory Authority. Learned counsel submitted that though he is seeking direction for refund of entire amount in two installments but the respondent has defaulted in compliance of the direction, therefore, he intends to approach the Regulatory Authority for execution of this order.

Appreciating the submissions of the learned counsel for the appellant, we dispose of this appeal on the basis of submissions and the fact that respondent has not paid single installment since 2021 whereas the respondent was required to make payment of installment between 1st to 10th of each month and in case of default the respondent was to pay the entire remaining amount in one go. Since the respondent has not honoured the order of the Regulatory Authority, we dispose of this appeal

with liberty to the appellant to approach the Regulatory Authority for compliance of the order in pursuance to direction no. 3 read with direction no.1.
The instant appeal is accordingly **disposed of**.

(K.K. Jain)

(D.K. Arora)

Dated: 15.05.2023
VIJAYKUMAR