

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-130/2024

HIMALAYA REALESTATE PVT. LTD.

.....Appellant

Versus

M/S NEETU

.....Respondent

Counsel for Appellant
NILAYA GUPTA

Counsel for Respondent

Hon'ble Mr. Sanjai Khare, Judicial Member

Hon'ble Mr. Rameshwar Singh, Administrative Member

Sri Nilay Gupta, learned counsel for applicant is present.

Perused the office report which reveals that Rs.18,71,915/- has been deposited by the applicant towards compliance of Section 43(5) of the Act, 2016. C.A. certificate has also been filed. No other defect has been indicated by the office.

Present appeal has been filed by the applicant against the order dated 19.06.2023, passed by the Regulatory Authority by which refund of money along with interest to the allottee/respondent has been ordered. The instant appeal has been filed with delay condonation application.

Let notice be issued to the respondent returnable by 25.09.2024.

The Registry will generate a notice for 25.09.2024 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 copy of application for condonation of delay and 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 appeal for consideration of application for condonation of delay and hearing on **25.09.2024**.

(Rameshwar Singh)

(Sanjai Khare)

Dated: 23.08.2024

IRFAN