

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-3/2020

IFCI INFRASTRUCTURE DEVELOPMENT LIMITED IFCI TOWERAppellant

Versus

PREETI SHARDARespondent

Counsel for Appellant
SIDDHARTH VIKRAM ASTHANA

Counsel for Respondent
SHUCHITA SINGH

Hon'ble Mr. Justice (Dr.) D.K. Arora, Chairman
Hon'ble Mr. Sanjai Khare, Judicial Member

Heard Sri Siddharth Vikram Asthana, learned counsel for the applicant and Ms Satakshi Shukla, Advocate, holding brief of Ms Suchita Singh, learned counsel for the respondent on the amendment application filed by the applicant through IA No. 828/2024.

Submission of the learned counsel for the applicant is that the ground of 'lack of jurisdiction' of the Adjudicating Officer for awarding compensation for delay in possession could not be taken and this ground goes to the roots of the matter. Therefore, necessity arose for amendment in the grounds of appeal with prayer of incorporation of an additional ground 'M'.

Learned counsel for the respondent submitted that since the ground sought to be amended is legal in nature, therefore, he has no objection however, after receipt of the amended memo of appeal, appropriate objections will be filed.

On due consideration, we allow the application of the appellant/applicant. Learned counsel for the appellant is permitted to incorporate ground 'M' in in the memo of appeal in red ink within a week. Soft copy of the amended memo of appeal will be sent to the respondent on registered e-mail ID within a week. The respondent, on receipt of the same may file objections, if any, to the amended ground within a week. Reply, if any, to the objections of respondent will be filed by the appellant within a week, thereafter.

List this appeal for hearing/orders on **01.05.2024**.

(Sanjai Khare)

(D.K. Arora)

Dated: 29.03.2024
MANSINGH