

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-646/2023

MUKESH KUMAR BIYANI

.....Appellant

Versus

**UTTAR PRADESH REAL ESTATE REGULATORY AUTHORITY
THOUGH ITS SECRETARY**

.....Respondent

**Counsel for Appellant
TUSHAR BAHADUR**

Counsel for Respondent

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

Hon'ble Mr. Sanjai Khare, Judicial Member

Sri Tushar Bahadur appears for applicant.

Sri Rajesh Kumar appeared on behalf of respondent no.2 and submitted that he is authorized representative of respondent no.2 and he will upload his authorization on the folder of respondent within 24 hours. He has further informed that a counsel Sri Amish Devas has been engaged to represent respondent no.2 and his vakalatnama along with objections will be filed within 10 days after sending soft copy of the same to the applicant and his counsel.

On receipt of the objection, the applicant will file reply, if any, to the objections of respondent no.2 within a week.

Sri Tushar Bahadur further submitted that notice on respondent no.3 could not be served, therefore, an application IA No.464/2024 for amendment in the address of respondent no.3 has been moved and a fresh notice be issued after incorporation of the amended address.

On due consideration, we allow amendment application IA No.464/2024 for amendment in the address of respondent no.3. Learned counsel for applicant will file an amended copy of memo of appeal indicating amended address in red ink within 3 days. On uploading of the amended copy of memo of appeal, the Registry is directed to issue fresh notice to respondent no.3 returnable on 11.03.2024.

The Registry will generate a notice for 11.03.2024 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 no.3 annexing copy of application for condonation of delay as well as 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 no.3 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 no.3 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 no.3 to send objections to the application for condonation of delay and ground 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 no.3 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 defective appeal for consideration of application for condonation of delay and hearing on **11.03.2024**.

(Sanjai Khare)

(D.K. Arora)

Dated: 08.02.2024
MOHDIRKHAN