

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-3/2024

VIJAY KUMAR DIXIT

.....Appellant

Versus

SHREYA DWELLERS PVT LTD

.....Respondent

Counsel for Appellant

TANAY HAZARI

IN PERSON

JHANAK BHAWNANI

Counsel for Respondent

DR. AZHAR IKRAM

MANISH SINGH

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

Hon'ble Mr. Sanjai Khare, Judicial Member

Sri Aman Soni, Advocate, holding brief of Sri Tanay Hazari, is present on behalf of applicant.

Request for adjournment has been received from Dr Azhar Ikram, Advocate, learned counsel for the respondent on the ground of his being busy at Hon'ble High Court. No request to seek further time for filing objections has been made.

Learned counsel for the applicant informs that he has not received any objections from the respondent.

We have examined the order sheet and found that while issuing notice vide order dated 06.02.2024, 10 days' time was granted to the respondent for filing objections to the grounds of appeal. Notice on the respondent was treated to be sufficient after examining the affidavit of service vide order dated 18.03.2024 and 10 days' further time was granted for filing objections. On 23.04.2024, Ms Devika Singh, Advocate, holding brief of Dr Azhar Ikram, Advocate informed regarding filing of vakalatnama on behalf of respondent and sought 10 days' time for filing objections. Appreciating the request of learned counsel for the respondent, 10 days' time was granted.

Dr Azhar Ikram, Advocate filed vakalatnama on 22.04.2024 which was uploaded on 23.04.2024 but he did not choose to file objections. The provisions of Section 44(5) of the Act 2016 mandates the Tribunal to make an endeavour to dispose of

appeal within a period of 60 days from the date of its filing. This mandate cannot be achieved without cooperation of the both sides.

In the instant appeal respondent did not choose to file objections despite providing repeated opportunities. Hence we are constrained to close the opportunity of respondent to file objections. It is, however, open for the respondent and his/her counsel to assist the Tribunal on the basis of documents/ records available on memo of appeal as well as on legal issues during course of hearing.

List this appeal for hearing/orders on **22.07.2024**.

(Sanjai Khare)

(D.K. Arora)

Dated: 22.05.2024
MANSINGH