

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-489/2020

M/S LAUREATE BUILDWELL PVT. LTD.

.....Appellant

Versus

KV BUILDESTATE LLP

.....Respondent

Counsel for Appellant
SUCHITA SINGH

Counsel for Respondent
RAJAT GANGWAR
NIRMIT SRIVASTAV

Hon'ble Mr. Justice Suneet Kumar, Chairman

Hon'ble Mr. Devindar Singh Chaudhry, Technical Member

1. Heard Smt. Shuchita Singh, learned counsel for the appellant.
2. Pursuant to order dated 11.11.2024, the case is proceeded ex-parte against the respondent.
3. Counsel for the appellant confines the challenge to the impugned order to the extent of computation of delay interest. It is submitted that National Green Tribunal (NGT) had granted an injunction order restraining the developer including the appellant from raising any constructions which was operative w.e.f. 28.10.2013 to 19.08.2015. It is further submitted that NGT again passed an injunction order on 05.07.2016 which came to be vacated in January, 2017. The application for OC/CC was filed by the appellant before the concerned competent Authority on 22.04.2019, which was duly received in December, 2020. In view thereof, it is submitted that while computing the delayed interest the injunction granted by NGT is to be deducted. Further, the appellant is also entitled for delay interest on the delayed installments paid by the respondent/allottee.
4. In view thereof, counsel for the appellant prays for and is granted time to submit a certificate of Chartered Accountant computing the interest of both the parties until the date of compliance of Section 43(5) of the Act i.e. 22.09.2020.
5. List this appeal for hearing on **04.02.2025**.

(Devindar Singh Chaudhry)

(Suneet Kumar)

Dated: 06.01.2025
PRADEEPKUMAR