

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-222/2021

SHYAMCHAND DE

.....Appellant

Versus

ANIL JAIN SHOUMYA SHUBHAM INFRASTRUCTURE PVT. LTD.Respondent

Counsel for Appellant

MADHUKAR OJHA

Counsel for Respondent

SWETANK SHARMA

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

Hon'ble Mr. Rajiv Misra, Administrative Member

Shri Madhukar Ojha, Advocate is present on behalf of the appellant and Shri Shwetank Sharma, Advocate is present on behalf of the respondent.

The learned counsel for the respondent seeks a week further time for filing objection to the grounds of appeal.

The order dated 27.10.2021 reveals that on behalf of Shri Shwetank Sharma, Advocate Shri R.K. Pandey, Advocate appeared and requested for two weeks' time for filing objections to the grounds of appeal. The learned counsel for the respondent was further directed to send the copy of objections to the appellant and his counsel through e-mail within two weeks. The appellant was required to send reply to the respondent and its counsel through e-mail within a week thereafter. The parties/legal representatives were directed to upload their respective objection/reply on the e-portal of the Tribunal and for filing originals of the same in the Registry at least seven days before the next date of listing.

The Tribunal directed for exchange of pleadings through e-mail, taking into consideration the mandate of Section 44(5) of the Act of 2016, which requires the Tribunal to make an endeavour to decide the appeal within 60 days from the date of its receipt. Today, if the pleadings would have been exchanged, we could have proceeded with the final hearing.

The learned counsel for the respondent has failed to comply the order of the Tribunal and further sought a week's further time for filing the objections to the grounds of appeal.

In the interest of justice, we grant one week and no more time for filing objections to the grounds of appeal. The learned counsel for the respondent is directed to send objections to the grounds of appeal to the appellant and his counsel on their e-mail addresses within a week. Reply, if any, will be sent by the appellant to the respondent and its counsel on their e-mail addresses within a week thereafter. The parties/legal representatives are directed to upload their respective objection/reply on the e-portal of the Tribunal and file originals of the same in the Registry at least seven days before the next date of listing.

List this appeal for hearing on **14.12.2021**.

(Rajiv Misra)

(D.K. Arora)

Dated: 24.11.2021
SYEDTANVEER