

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-54/2022

SHALINI GREWAL AND AJAY JAIN

.....Appellant

Versus

AIMS RG ANGEL PROMOTERS PRIVATE LIMITED
AIMS RG
ANGEL PROMOTERS PRIVATE LIMITED

.....Respondent

Counsel for Appellant
PRASHANT KUMAR
FUHAR GUPTA

Counsel for Respondent

Hon'ble Mr. Justice (Dr.) D.K. Arora, Chairman
Hon'ble Mr. Rajiv Misra, Administrative Member

Ms. Fuhar Gupta, Advocate is present on behalf of the applicants, but no one is present on behalf of the respondent.

The learned counsel for the applicants submitted that the affidavit of service has been filed. The track record of the postal department indicates that the notice sent to the respondent has been delivered to the respondent on 03.02.2022. The learned counsel for the applicants further submitted that the notice was also sent through e-mail and the transaction report has also been brought on record. The submission of learned counsel for the applicants is that as the notice has been delivered upon the respondent, therefore, the notice upon the respondent be treated sufficient.

Appreciating the submission of learned counsel for the applicants, we treat the service upon the respondent sufficient. But in the interest of justice, let fresh notice be issued to the respondent, returnable on 25.03.2022.

The Registry is directed to generate a notice for 25.03.2022 and send the same through e-mail to the applicants and their counsel within 48 hours. The applicants after downloading the notice will send it through speed-post to the respondent annexing copy of application for condonation of delay and memo of appeal and its

annexures within three days. The applicants 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 within three days.

On receipt of the notice, it is open for the respondent to send objections to the application for condonation of delay and grounds of appeal to the applicants and their counsel through e-mail within 10 days. Reply, if any, will be sent by the applicants to the respondent and its counsel within a week thereafter.

List this defective appeal on **25.03.2022** for consideration of application for condonation of delay and hearing.

(Rajiv Misra)

(D.K. Arora)

Dated: 09.03.2022
SYEDTANVEER