

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-720/2023

UPPAL CHADHA HI-TECH DEVELOPERS PVT. LTD.

.....Appellant

Versus

SHALINI SHARMASHALINI SHARMA

.....Respondent

Counsel for Appellant

Counsel for Respondent

AMIT YADAV

BAL KISHOR VERMA

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

Hon'ble Mr. Sanjai Khare, Judicial Member

Sri Bal Kishor Verma and Sri Amit Yadav, Advocates, learned counsels for the applicant are reported to be on sanctioned leave up to 22.12.2023.

Office report indicates an amount of Rs. 12,34,530/- has been deposited vide DD No. 682180 dated 25.01.2023 towards compliance of section 43(5) of the Act 2016. In support of said deposit, Certificate of Chartered Accountant has also been placed on record.

Office report further indicates that certified copy of the impugned order has not been filed by the applicant.

Subject to the objections from respondent with respect to compliance of 43(5) of the act, we accept the deposited amount provisionally in compliance of Section 43(5) of the Act.

We direct the applicant to remove the defect indicated by the Registry within a week. On examination we found that the instant case has been filed with delay of approximately 467 days.

In order to achieve the mandate of Section 44(5) of the Act, we deem it proper to issue notice to the respondent on the application for condonation of delay.

Let notice be issued to the respondent returnable on 18.01.2024.

The Registry will generate a notice for 18.01.2024 and send the same through e-mail to the applicants and their counsel within 48 hours. The applicant after downloading the notice will send it through speed-post to the respondent 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 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 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 to send objections to the application for condonation of delay and grounds 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 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 on **18.01.2024** for consideration of application for condonation of delay and hearing.

(Sanjai Khare)

(D.K. Arora)

Dated: 20.12.2023
SANTOSHKSHUKLA