

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-806/2022

YAMUNA EXPRESSWAY INDUSTRIAL DEVELOPMENT
AUTHORITY

.....Appellant

Versus

DR. ARINDAM BASU DR. ARINDAM BASU

.....Respondent

Counsel for Appellant
PRASHANT KUMAR SINGH

Counsel for Respondent

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

Mr. Prashant Kumar Singh, learned counsel for the applicant is present on behalf of applicant. No one appeared on behalf of respondent.

The learned counsel for the applicant filed affidavit of service, indicating therein that in pursuance of the order of the Tribunal dated 01.12.2022 on receipt of soft copy of notice from the Registry, the same was sent along with memo of appeal and its annexures through speed post to the respondent on 14.12.2022 and as per track record of the postal department, the same was delivered to the respondent on 17.12.2022. The applicant has also sent copy of notice along with memo of appeal and its annexures on the e-mail ID of the respondent on 18.12.2022. The submission of learned counsel for the appellant is that as the notice has been served upon the respondent through speed post as well as e-mail, therefore, service upon the respondent be treated as sufficient.

We have examined the submissions of learned counsel for the appellant and perused the affidavit of service.

As per track record of the postal department, the notice through post was delivered to the respondent on 17.12.2022 and notice was also sent through e-mail to the respondent on 18.12.2022. Apart from this, every order is being uploaded on the e-portal of the Tribunal and the moment any order/document is uploaded on the e-portal of the Tribunal, a link is generated automatically and goes to the parties on their registered mobile number and they can download the same at any moment. Therefore, it cannot be said that respondent is not aware about the present

proceedings. In view of the above, we treat the service upon the respondent sufficient.

In the interest of justice we grant 10 days' time to the respondent for filing objections to the grounds of appeal. The respondent is directed to send soft copy of objections to the appellant and its counsel through e-mail within 10 days. Reply, if any, will be sent by the appellant to the respondent within a week thereafter. The parties are directed to upload their respective objection/reply on the e-portal of the Tribunal immediately thereafter.

List this defective appeal on **03.02.2023** for orders/hearing.

(K.K. Jain)

(D.K. Arora)

Dated: 02.01.2023
VIJAYKUMAR