

Court No. - 9

Case :- WRIT - C No. - 5120 of 2023

Petitioner :- Pushpa Gupta

Respondent :- State Of U.P. Thru. Addl. Chief/Prin. Secy.
Housing And Urban Planning U.P. Lko. And Others

Counsel for Petitioner :- Suryansh Narula

Counsel for Respondent :- C.S.C., Shobhit Mohan Shukla

Hon'ble Dinesh Kumar Singh,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard.

2. The instant writ petition has been filed by the petitioner praying for issuance of a writ, order or direction in the nature of mandamus commanding and directing the opposite party No. 2 to implement and take further action in pursuance of recovery certificate dated 22.12.2022 issued by Real Estate Regulatory Authority (RERA) for the recovery of remaining amount of Rs.72,22,938/- along with interest on the unpaid amount as mentioned in the recovery certificate.

3. Learned counsel for the petitioner submits that although an order dated 06.07.2022 was passed by the RERA in Complaint Case No. LKO162/06/75894/2021 under Section 18 of Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as '2016 Act') and thereafter, a recovery certificate was issued on 22.12.2022 by RERA for an amount of Rs.1,09,72,170/- along with interest upto 31.12.2022 under Section 40 of the Rules, 2016. Learned counsel for the petitioner further submits that the District Magistrate, Lucknow/opposite party no. 2 is not taking any effective steps for recovery of the aforementioned remaining amount.

4. Learned Additional Chief Standing Counsel, on the other hand, states that subject to verification of the order dated 06.07.2022 having attained finality, all the consequential action for recovery of the amount shall be taken in accordance with law within a period of four weeks from the date of production of a copy of this order before District Magistrate, Lucknow/opposite party no. 2.

5. The statement so made by the learned Additional Chief Standing Counsel is recorded and accepted.

6. The petition stands **disposed of** in above terms.

[S.Q.H. RIZVI, J.] [D.K. SINGH, J.]

Order Date :- 22.6.2023

MVS/-