

Court No. - 9

Case :- WRIT - C No. - 5163 of 2023

Petitioner :- Gulab

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

Counsel for Petitioner :- Amit Yadav, 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 learned counsel for the petitioner as well as learned Additional Chief Standing Counsel for the State-respondents and learned counsel for private respondent.

2. The instant writ petition under Article 226 of the Constitution of India has been filed by the petitioner praying for issuance of a writ, order or direction in the nature of mandamus commanding respondent no.2 to execute the Recovery Certificate dated 22.3.2023 issued by the Secretary, learned Authority contained as Annexure No.1 to the instant writ petition.

3. Learned counsel for the petitioner submits that although an order dated 13.4.2022 was passed by the RERA in complaint case No. LKO162/07/76528/20221 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 22.3.2023 by RERA for an amount of Rs. 27,84,233/- along with interest under Section 40 of the Rules, 2016. Thereafter, the petitioner received an amount of Rs. 15,74,178/-, thus an amount of Rs. 12,10,055/- plus interest is remaining to be paid to the petitioner. 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 13.4.2022 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. In view of above, the present petition stands **disposed of**.

(Syed Qamar Hasan Rizvi,J.) (Dinesh Kumar Singh,J.)

Order Date :- 22.6.2023

Arpan