

Court No. - 2

Case :- WRIT - C No. - 5249 of 2023

Petitioner :- Investors Clinic Infratech Pvt. Ltd. Thru. Auth.
Representative Mr. Ravis Pandey

Respondent :- Chairman, U.P. Real Estate Regulatory
Authority, Lko, Rajya Niyojan Sansthan And Another

Counsel for Petitioner :- Ishan Baghel, Avinash Singh Vishen

Counsel for Respondent :- Shobhit Mohan Shukla

Hon'ble Rajan Roy, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard.

2. The proceedings have been initiated against the petitioner under Section 9(7) read with Section 10(A)(C), Section 38 & 62 of Real Estate (Regulation and Development) Act, 2016 and Rule 12 of Rules 2016. Opportunity was given to the petitioner but he disputes the receipt of the document by the requisite date. In fact, after receipt of the notice from 12.06.2023, he claims to have appeared before RERA on 19.06.2023 seeking four weeks' time but the RERA has given time only uptill 22.06.2023 and 23.06.2023 is the date fixed for hearing of the matter.

3. The only contention of the petitioner's counsel is that some reasonable time may be given to the petitioner for submitting his response to the notice dated 03.06.2023 as it has to collect documents to furnish a proper reply and thereafter whatever action is to be taken, may be taken as per law.

4. Sri Shobhit Mohan Shukla who opposes the writ petition, says that the petitioner had knowledge as the notice had already been sent by mail and registered post also. Sri Shukla says that the petitioner is indulging in malpractices by advertising unregistered projects.

5. So far as the merits of the allegations are concerned, a decision can be taken by the RERA at the appropriate stage. At this stage, this Court has nothing to say on merits but considering the facts, we are of the opinion that three weeks from today and no more time is granted to submit its reply to RERA in response to the notice dated 03.06.2023 and all other notices which have been issued prior to it or thereafter till now. No further opportunity shall be granted to the petitioner for

submitting the reply as sufficient time has lapsed. Based on such reply, it shall be open for RERA to proceed and pass such order as it deems fit and permissible in law. Sri Shukla may intimate the order to RERA.

6. With the aforesaid direction, the present writ petition is finally **disposed of**.

(Syed Qamar Hasan Rizvi, J.) (Rajan Roy, J.)

Order Date :- 23.6.2023

Abhishek Gupta