Court No. - 3

Case :- WRIT - C No. - 8890 of 2023

Petitioner :- Ratan Buildtech Pvt. Ltd. Kanpur Thru. Its Practicing Company Secy. Mr. Alakh Pandey
Respondent :- State Of U.P. Thru. Prin.Secy. Housing And Urban Planning Deptt. Govt. Civil Secrt. Lko. And Others
Counsel for Petitioner :- Sudeep Kumar,Ashok Kumar Singh,Prashant Kumar Singh
Counsel for Respondent :- C.S.C.,Shobhit Mohan Shukla

Hon'ble Vivek Chaudhary,J.
Hon'ble Manish Kumar,J.

1. Petitioner is permitted to correct the prayer clause during course of the day.

2. Heard learned counsel for parties.

3. Petitioner has approached this Court challenging the recovery certificate dated 14.06.2023 and recovery citation dated 08.08.2023. The same is passed in furtherance of order passed by the RERA authority.

4. Learned counsel for petitioner submits that he has filed an appeal bearing Appeal No.439 of 2023; 'Ratan Buildtech Pvt. Ltd. Vs. Swati Maheshwari' in which notices were issued on 03.07.2023. In the said order appellate authority itself has noted that the amount under challenge in appeal is already deposited by petitioner. However, appellate authority while issuing notices had not granted any stay to the petitioner despite noting the fact that the amount has already deposited in furtherance of order of RERA authority. Now the Collector concerned is proceeding to recover the amount under the order of RERA and this amounts to double recovery of amount under the order of RERA. Learned counsel for petitioner has also submitted that

after the notice were issued, the appellate authority is not available as some of its members have retired, hence, he approached this Court.

5. In the given facts and circumstances of the case, the recovery citation dated 08.08.2023 shall remain stayed till orders are passed by the appellate authority on the stay application of petitioner.

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

Order Date :- 13.10.2023
Arti/-

[Manish Kumar,J.] **[Vivek Chaudhary,J.]**

Digitally signed by :-
ARTI MAURYA
High Court of Judicature at Allahabad,
Lucknow Bench