

Court No. - 3

Case :- WRIT - C No. - 8904 of 2023

Petitioner :- Ratan Buildtech Private Limited Kanpur Thru. Its Practicing Company Secy. Mr. Alakh Pandey

Respondent :- State Of U.P. Thru. Its Prin. Secy. Housing And Urban Planning Deptt. U.P. Govt. 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 the parties.
3. Petitioner has approached this Court challenging the recovery certificate dated 27.6.2023 and recovery citation dated 22.8.2023. 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. 417 of 2023 in which notices were issued on 21.6.2023. In the said order appellate authority itself has noted that the amount under challenge in appeal is already deposited by the 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 notices were issued, the appellate authority is not available as some its members have retired, hence, he approached this Court.
5. In the given facts and circumstances of the case, the recovery citation dated 22.8.2023 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**.

(Manish Kumar, J.) (Vivek Chaudhary, J.)

Order Date :- 13.10.2023

Arjun/-