

Court No. - 3

Case :- WRIT - C No. - 8886 of 2023

Petitioner :- Ratan Buildtech Pvt. Ltd. Thru. Practising Company Secy.
Mr. Alakh Pandey

Respondent :- State Of U.P. Thru. Prin.Secy. Housing And Urban
Planning Deptt. And 5 Others

Counsel for Petitioner :- Ashok Kumar Singh, Preeti Kumari, Sudeep
Kumar

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 25.08.2023 and recovery citation dated 30.06.2023. 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.0901126065142022 along with a stay application. During pendency of appeal the amount is already deposited by petitioner under the order of RERA. Despite this fact, the Collector concerned is proceeding to recover the amount under the order of RERA and this amounts to double recovery. Learned counsel for petitioner has also submitted that since filing of appeal 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 30.06.2023 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.]