

Court No. - 3

Case :- WRIT - C No. - 10191 of 2023

Petitioner :- Pradiwan Baranwal

Respondent :- U.P. Real Estate Regulatory Authority Lko. Thru. Its Secy. And Others

Counsel for Petitioner :- Fuhar Gupta, Devika Singh, Prashant Kumar

Counsel for Respondent :- Shobhit Mohan Shukla, C.S.C.

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

(I.A. No.2 of 2023-Modification Application)

Heard learned counsel for the petitioner, learned Standing Counsel for the State-respondents and Shri Shobhit Mohan Shukla, learned counsel for U.P. Real Estate Regulatory Authority.

Present application is filed by petitioner-applicant seeking modification of order dated 20.11.2023 passed by this Court.

Learned counsel for petitioner-applicant submits that till date no recovery certificate is issued by respondent no.1 against respondent no.3 for non-compliance of judgment and order dated 16.09.2020. However, by order dated 20.11.2023 this Court directed District Magistrate, Varanasi to give effect to the recovery certificate. Since, the recovery certificate is not issued as yet, the order dated 20.11.2023 passed by this Court will not be efficacious. In view thereof, present application is filed for modification of order dated 20.11.2023 and with prayer to direct respondent no.1 to issue recovery certificate. The application is supported with an affidavit.

Cause show is sufficient.

The modification application is **allowed.**

The order dated 20.11.2023 is recalled and following order is passed:-

Heard learned counsel for parties.

U.P. Real Estate Regulatory Authority though has passed orders in favour of petitioner on 16.09.2020 and 08.03.2022 but it has not yet issued a recovery certificate and the same is pending before it for the last more than one year.

Petitioner has approached this Court for getting a direction issued to respondent no.1-Secretary, U.P. Real Estate Regulatory Authority, Lucknow to issue the consequential recovery certificate in accordance with law within a time frame.

In view thereof, respondent no.1-Secretary, U.P. Real Estate Regulatory Authority, Lucknow is directed to issue recovery certificate in furtherance of orders dated 16.09.2020 and 08.03.2022 within a period of 15 days from the date a certified copy of this order is produced before him. It is expected that the Collector concerned shall execute the same expeditiously in accordance with law.

With the aforesaid direction, present writ petition stands **disposed of.**

Order Date :- 11.12.2023

Arti/-

[Manish Kumar,J.]

[Vivek Chaudhary,J.]