

Court No. - 3

Case :- WRIT - C No. - 10605 of 2023

Petitioner :- State Bank Of India Thru. Chief Manager/Authorised Officer
Shri. Ajay Misra

Respondent :- District Magistrate, Lucknow And 6 Others

Counsel for Petitioner :- Alok Saxena

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

Hon'ble Vivek Chaudhary,J.

Hon'ble Shree Prakash Singh,J.

1. Heard learned counsel for petitioner, Sri Shobhit Mohan Shukla, learned counsel for respondent no.4 and learned Standing Counsel for State.

2. Petitioner bank has approached this Court claiming that respondent nos. 5 and 6 had purchased a property from respondent no.7 developers which could not be delivered by respondent no.7. In the said circumstances, respondents no.5 and 6 filed a complaint before respondent no.4 RERA which has been allowed and a recovery certificate to recover the amount from respondent no.7 is issued. However, none of the parties have informed the RERA that there is a tri-partite agreement with the bank also and, hence, the first amount due to the petitioner bank is to be paid after the so recovered amount.

3. In view of aforesaid facts and circumstances of the case, petitioner is permitted to file an appropriate application before respondent no.4 U.P. Real Estate Regulatory Authority, Lucknow within one week from today.

4. In case such an application is filed by petitioner, respondent

no.4 shall consider and decide the same by a reasoned and speaking order after hearing all the parties concerned, in accordance with law, within a period of two weeks from the date the application along with the certified copy of this order is produced before it.

5. Any payment made from the recovered amount shall be subject to final orders passed by respondent no.4.

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

Order Date :- 7.12.2023

Arti/-

[Shree Prakash Singh,J.]

[Vivek Chaudhary,J.]