

Court No. - 3

Case :- WRIT - C No. - 10920 of 2023

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

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

Counsel for Petitioner :- Prashant Kumar Singh, Ashok Kumar Singh

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

Hon'ble Vivek Chaudhary, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for respondent nos.1 and 5, Shri Shobhit Mohan Shukla, learned Counsel for respondent nos.2, 3 and 4 and perused the material available on record.

2. The present petition has been filed challenging the recovery certificate dated 21.08.2023 as well as recovery citation dated 25.10.2023 issued against the petitioner in pursuance to the order dated 03.03.2023 passed by respondent no.2.

3. It is informed by the learned counsel for the petitioner that against the said order dated 03.03.2023, the appeal has already been preferred along with stay application, however, as the appellate court was not constituted, the stay application and the appeal had not been adjudicated and the recovery is being pressed upon. Learned Counsel for the petitioner states that petitioner has already made compliance of Section 43(5) of Real State Regulatory Authority Act.

4. Shri Shobhit Mohan Shukla, appearing on behalf of the respondents no.2, 3 and 4 states, on instructions, that the Appellate Tribunal has been constituted and will start sitting with effect from today, i.e. 18.12.2023.

5. In view of the said statement, it is agreed in between the

parities that the stay application filed by the petitioner should be adjudicated by the Appellate Tribunal which is commencing its sitting from 18.12.2023 with all expedition. It is also to be noted that the appeal was filed prior to availability of Appellate Tribunal and now the Appellate Tribunal is available.

6. Considering the said submission, the present petition is disposed of directing the Appellate Tribunal to hear and decide the stay application filed by the petitioner in Appeal No.414 of 2023 within a period of four weeks with effect from 18.12.2023.

7. Till the decision on the stay application, no steps shall be taken for recovery of the amount in terms of the recovery certificate dated 21.08.2023 and recovery citation dated 25.10.2023.

8. The Appellate Tribunal shall thereafter endeavour to decide the appeal itself with all expedition.

9. The petition is **disposed of** in the aforesaid terms.

(Om Prakash Shukla, J.) (Vivek Chaudhary, J.)

Order Date :- 18.12.2023

Anand Sri./-