

Court No. - 7

Case :- WRIT - C No. - 823 of 2024

Petitioner :- Devi Charan Dubey

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

Counsel for Petitioner :- Shabnam Bano, Manish Srivastava

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

Hon'ble Manoj Kumar Gupta, Acting Chief Justice
Hon'ble Saurabh Lavania, J.

1. Heard Shri Manish Srivastava, learned counsel for the petitioner, Shri Praveen Kumar Tripathi, Advocate holding brief of Shri Shobhit Mohan Shukla, learned counsel for respondent nos.1 and 2 and learned State counsel for respondent no.3.

2. The case of the petitioner is that the complaint filed by him under Section 31 before U.P. RERA against the promoter i.e., respondent no.4 was allowed by order dated 30.06.2019. The promoter was directed to execute transfer deed in favour of the petitioner, after accepting the balance sale consideration. There was also a direction to the promoter to pay certain amount for the delay in handing over possession. The petitioner had deposited the balance sale consideration with the promoter, however, the promoter failed to comply with the order dated 30.06.2019. The petitioner was, therefore, compelled to file Writ-C No.10308 of 2023 before this Court, which was disposed of by a Coordinate Division Bench by order dated 24.11.2023 directing the Collector to ensure execution of the recovery certificate. The amount has been recovered and paid to the petitioner, however, the promoter has failed to execute sale deed in favour of the petitioner in compliance of order of U.P. RERA dated 30.06.2019. The petitioner claims to have filed several applications before respondent nos. 1 and 2 for issuing necessary directions to the promoter to execute sale deed. But since the applications have not been considered so far, therefore, the petitioner has filed the instant petition for a direction to respondent nos.1, 2 and 3 to take requisite steps for executing the order dated 30.06.2019.

3. Learned counsel appearing on behalf of the respondent nos.1 and 2 states that the authority will consider and decide the applications filed by the petitioner for issuing directions for execution of its main order within such time as may be directed by this Court.

4. Since, the issue relating to compliance of the order dated 30.06.2019 has to be examined by respondent nos. 1 and 2, after hearing respondent no.4 and, therefore, in our opinion, no purpose will be served in putting the said respondent to notice and keeping the instant petition pending before this Court.

5. We, accordingly, **dispose of** the instant petition with direction to respondent nos.1 and 2 to consider and pass appropriate orders on the applications of the petitioner dated 30.06.2022/ 06.07.2022 (annexure no.5) and 07.12.2023 (annexure no.8) within eight weeks from the date of communication of the instant order, after due notice and opportunity of hearing to respondent no.4.

6. It shall be open to the petitioner to file additional representation/application in support of his previous representations.

(Saurabh Lavania, J) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 29.1.2024

Ankit.