

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-258/2022

MANOJ SHARMA

.....Appellant

Versus

RADHEY KRISHNA TECHNO BUILD PVT
LTDRADHEY KRISHNA TECHNO BUILD PVT LTD

.....Respondent

Counsel for Appellant

HARISH PANDEY

A

N A

Counsel for Respondent

ANURAG SINGH

HARIT MISHRA

Hon'ble Mr. Justice Suneet Kumar, Chairman

Hon'ble Mr. Devindar Singh Chaudhry, Technical Member

1. Heard appellant in person and Shri Anurag Singh, learned counsel for the respondent at length and perused the records.
2. The instant appeal has been instituted by the appellant-allottee, assailing order dated 17.08.2021 passed by the Real Estate Regulatory Authority, Gautam Budh Nagar (for short 'RERA Authority') under Section 63 of the Real Estate (Regulation and Development) Act 2016 (for short 'Act 2016'), directing the appellant to take possession after clearing outstanding dues as demanded by the promoter.
3. The impugned order arises from an earlier order dated 03.06.2019 passed under Section 31 of Act 2016, directing the respondent to handover possession after adjustment of outstanding dues.
4. Pursuant to direction of this Tribunal dated 07.01.2025, the respondent has uploaded the demand outstanding against the appellant, which includes balance of flat cost, interest on delayed payment upto 31.12.2024 @ MCLR+1%, electric infrastructure, water and sewerage, Ont box

installation, maintenance from January, 2019 to December 2024 and maintenance from January 2025 to March 2025, holding charges from January 2019 to December 2024, farmers compensation and labour cess, amounting at Rs.11,97,009.00.

5. On a specific query, the appellant appearing in person was unable to show as to how demands raised by the respondent is not in terms of the agreement to sale and the farmers compensation and labour cess, as demanded, is untenable. After arguing the matter at length, the appellant submits that he undertakes to settle the issue with the respondent-company at Rs.11,00,000/-, to which learned counsel for the respondent has no objection.
6. On consent of parties, the **appeal is disposed of** by passing following orders:
 - (i) Appellant to deposit Rs.11,00,000/- within 45 days from today in the bank account of the respondent-promoter. The bank details to be provided by the respondent within a week on the registered mobile number/e-mail of the appellant.
 - (ii) On compliance of the first direction by the appellant, the respondent will handover possession of the unit to the appellant within 60 days, on making the unit habitable.
 - (iii) The conveyance deed/sub lease deed would be executed within one month from the date of compliance of the first direction, the stamp duty and court fee to be paid by the appellant.
 - (iv) No order as to cost.

(Devindar Singh Chaudhry)

(Suneet Kumar)

Dated: 27.01.2025
SYEDTANVEER