

**Court No. - 3**

**Case :-** WRIT - C No. - 8562 of 2023

**Petitioner :-** Apv Realty Ltd. Delhi Thru. Authorized Signatory Mandhata Singh

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

**Counsel for Petitioner :-** Abhishek Khare, Aahuti Agarwal

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

**Hon'ble Vivek Chaudhary, J.**

**Hon'ble Manish Kumar, J.**

Supplementary affidavit filed by the counsel for the petitioner today is taken on record.

Heard learned counsel for the petitioner, learned Standing Counsel for the State and Sri Shobhit Mohan Shukla, learned counsel for the RERA.

It is stated by counsel for the petitioner that U.P. Real Estate Appellate Tribunal at this stage, is not functional due to non availability of the Members, hence, he has approached this Court despite appeal filed before the Real Estate Appellate Tribunal.

In the supplementary affidavit filed by the counsel for the petitioner, it is stated that petitioner has paid the entire amount by way of a demand draft to the Tehsildar Dadari involved in the recovery certificate impugned in the present writ petition. He submits that part of the amount from the same stands disbursed in favour of respondent no. 6 (Shakil Ahmed) but certain portion which is under dispute in the appeal filed by the petitioner is not yet disbursed. Further submission is that he has already deposited huge amount on behalf of respondent no. 6 under the tripartite agreement to the Bank from which loan was taken for the property concerned.

In view thereof, a case for consideration is made out.

Notice on behalf of respondent nos. 1 & 5 and on behalf of respondent nos. 2 to 4 has been accepted by learned Standing Counsel and Sri Shobhit Mohan Shukla respectively.

Issue notice to respondent nos. 6 & 7, returnable at an early date.

List after four weeks.

Till the next date of listing, respondents are restrained from disbursing any further amount deposited by the petitioner under the impugned recovery certificate.

On the next date of listing, the State Government along with the counter affidavit will also inform with regard to steps taken for functioning of the Real Estate Appellate Tribunal.

**(Manish Kumar, J.) (Vivek Chaudhary, J.)**

**Order Date :- 6.10.2023**

Nitesh