

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 2

APPEAL-467/2024

CHANDER PRAKASH

.....Appellant

Versus

HABITECH INFRASTRUCTURE LIMITED

.....Respondent

Counsel for Appellant

Counsel for Respondent

SYED NASIR ABBAS HASANI

Hon'ble Mr. Sanjai Khare, Judicial Member

Hon'ble Mr. Rameshwar Singh, Administrative Member

(I.A. No. 2276/2024: Application for condonation of delay)

Shri Syed Nasir Abbas Hasani, learned counsel for the appellant, Shri Ashish Chaturvedi and Shri Dinkar Tiwari, learned counsel for respondent no. 1 and Shri Fauzan Khwaja, learned counsel for respondent no. 2, are present.

Heard both sides on the delay condonation application, its objection & reply.

The present appeal has been filed on 20.11.2024 with the delay of approximately 55 days. Learned counsel for the appellant submits that after the impugned order passed by the Regulatory Authority, the allottee was in conversation with the promoter, which is still going on regarding the problems of the allottee and dispute raised in the complaint. That is why certified copy of impugned order was applied on 14.09.2024 and was ready for delivery on 01.10.2024. Further due to intervening period of festivals, the appellant could not consult his counsel and prepare the appeal. After preparation of appeal, the present appeal was filed on 20.11.2024.

Learned counsel for the respondent submits that the delay caused in filing the present appeal is willful and deliberate.

The cause shown for delay in filing the appeal in paras 3, 4, 8 and 9 of the supplementary affidavit appears to be sufficient. Accordingly, the **delay condonation application is allowed**. The delay in filing the present appeal is hereby condoned.

Registry is directed to **convert this defective appeal into regular appeal**.

List this appeal on **09.05.2025** along with Appeal No. 468/2024 and Appeal No. 415/2024.

In the meantime, appellant to file rejoinder to the objections of the respondent.

(Rameshwar Singh)

(Sanjai Khare)

Dated: 07.04.2025
SYEDTANVEER