

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 2

MISC. CASE-316/2020

U.P. AVAS EVAM VIKAS PARISHAD

.....Appellant

Versus

RAM NAGINA RAI

.....Respondent

Counsel for Appellant

N.N. PANDEY

Counsel for Respondent

K.K. PANDEY

Hon'ble Mr. T.B. Singh, Judicial Member

Hon'ble Mr. K.K. Jain, Technical Member

Case called on.

Counsel Sri N.N. Pandey on behalf of applicant, and counsel Sri K. K. Pandey on behalf of opposite party appeared.

Heard on limitation application and its objection.

The limitation application has been moved on behalf of applicant with the contention that the impugned order has been passed by Regulatory Authority on 20.10.2020 which was uploaded on 04.02.2020, thereafter the applicant applied for certified copy on 14.08.2020 and the same was issued on 19.08.2020. The instant appeal has been filed on 24.08.2020. In the application it has also been mentioned that due to COVID-19 pandemic the appeal could not be filed earlier. Applicant further submitted that delay is neither deliberate not intentional, hence the application for condonation be allowed.

Against the said application counsel for opposite party has submitted that grounds mentioned in the limitation application are not genuine and erroneous therefore the limitation application be rejected. He further submitted that the applicant is unnecessarily harassing the opposite party.

From perusal of record it appears that the impugned order relates to 20.01.2020 and the same was uploaded on Regulatory Authority's website on 04.02.2020. As provisions of Section 44(2) of the Act, the instant appeal should have been filed on 04.04.2020, while the instant appeal has been preferred on 24.08.2020.

Apart from the above, and without going into depth, it is obvious that the applicant is entitled to get the benefit of limitation period and in view of the pronouncement given by the Hon'ble Apex Court in *Suo Moto Writ (C) No. 3 of 2020*.

In the light of above, application for condonation of delay deserves to be allowed. Accordingly, the delay is condoned. Registry is directed to register this misc. case into regular appeal.

List this case on **26.11.2021** for further order.

Parties are directed to exchange their pleadings.

(K.K. Jain)

(T.B. Singh)

Dated: 27.10.2021
PRADEEPKUMAR