

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-392/2022

GAURSONS HI-TECH INFRASTRUCTURE PRIVATE LIMITED

.....Appellant

Versus

DEEPALI NAYYARDEEPALI NAYYAR

.....Respondent

Counsel for Appellant

SAMRAT VAISH

Counsel for Respondent

RESPONDENT IN-PERSON

Hon'ble Mr. Justice (Dr.) D.K. Arora, Chairman

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

Heard Sri Samrat Vaish, learned counsel for the applicant on the application for condonation of delay.

The submissions of learned counsel for the applicant is that the order of Regulatory Authority dated 06.01.2022 was uploaded on the webpage of the U.P. RERA and communicated to the parties on 15.01.2022, the limitation for filing an appeal against the impugned order of Regulatory Authority was upto 15.03.2022, whereas the instant case has been filed on 03.05.2022. The further submission of learned counsel for the applicant is that the issue of delay is squarely covered by order dated 10.01.2022 passed by Hon'ble Supreme Court In Re: Suo Moto Writ (Civil) Petition No. 3/2021 titled as In Re: Cognizance for Extension of Limitation, and therefore, in the interest of justice, the delay be condoned.

We have examined the submissions of learned counsel for the parties and perused the application for condonation of delay. The delay is squarely covered by the order passed by Hon'ble Supreme Court on 10.01.2022 In Re: Suo Moto Writ (Civil) Petition No. 3/2021 titled as In Re: Cognizance for Extension of Limitation. Accordingly, we allowed the application for condonation of delay. The delay is **condoned**. The Registry is directed to **convert** this defective appeal into regular appeal.

As the matter has already proceeded ex-parte against the respondent, but in the interest of justice we deem it proper to issue fresh notice to the respondent.

Issue notice to the respondent returnable on 09.11.2023.

The Registry is directed to generate a notice for 09.11.2023 and send the same through e-mail to the appellant within 48 hours. The appellant after downloading the notice will send it through speed-post to the respondent annexing copy of memo of appeal and its annexures within three days. The appellant will also send the copy of memo of appeal and its annexures, annexing notice issued by the Tribunal through e-mail to the respondent within three days. The appellant will file an affidavit of service annexing copy of postal receipt and transaction report of e-mail sent to the respondent as well as

copy of the track record of the postal department regarding service of notice upon the respondent.

On receipt of notice, it is open for the respondent to send objections to the grounds of appeal to the appellant through e-mail within 10 days. Reply, if any, will be sent by the appellant to the respondent, within a week thereafter.

The parties/legal representatives are directed to upload their respective objection/reply on the e-portal of the Tribunal in the respective folders immediately after expiry of the aforesaid period.

List this appeal for orders/hearing on **09.11.2023**.

(K.K. Jain)

(D.K. Arora)

Dated: 25.09.2023
PRADEEPKUMAR