

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-164/2023

UPPAL CHADHA HI-TECH DEVELOPERS PVT. LTD.

.....Appellant

Versus

KUSUMKUSUM

.....Respondent

Counsel for Appellant

BAL KISHOR VERMA ADVOCATE
AMIT YADAV

Counsel for Respondent

PRASOON KUMAR ANJOR

Hon'ble Mr. Justice Suneet Kumar, Chairman

Hon'ble Mr. Sanjai Khare, Judicial Member

Hon'ble Mr. Rameshwar Singh, Administrative Member

List revised.

Shri Amit Yadav, learned counsel for the appellant submits that the limitation in filing the appeal fell during Covid period. Accordingly, the limitation is covered as per the mandate of Hon'ble Supreme Court rendered in Suo Motu Writ (Civil) No. 3 of 2020 in re: Cognizance for Extension of Limitation, wherein it has been provided that in the event limitation is expired between 15.03.2020 and 02.10.2021, the parties would have 90 days to take legal recourse. It is not disputed that limitation in the present case expired on 13.09.2021 and the appeal came to be filed on 04.04.2022. The learned counsel for the appellant submits that there is no willful and deliberate delay in the filing the instant appeal.

Shri Prasoon Kumar Anjor, learned counsel for the respondent does not dispute the above facts.

In view of the above, the **delay in filing the appeal is condoned.**

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

The learned counsel for the appellant submits that the issue involved in the instant appeal is squarely covered with the issue of Appeal No. 271/2023 (Uppal Chadha

Hi-Tech Developers Pvt. Ltd. Vs. Sushila), in which Judgment has already been reserved.

Heard learned counsels for the parties.

Judgment reserved.

(Rameshwar Singh)

(Sanjai Khare)

(Suneet Kumar)

Dated: 23.10.2024
SYEDTANVEER