

UTTAR PRADESH REAL ESTATE APPELLATE TRIBUNAL
AT LUCKNOW

Appeal No. D 252 of 2025

Yamuna Expressway Industrial Development Authority..... Appellant

Vs.

Mukesh Agarwal Respondent

Hon'ble Mr. Justice Suneet Kumar, Chairman.
Hon'ble Mr. Sanjai Khare, Judicial Member
Hon'ble Mr. Devindar Singh Chaudhry, Technical Member.

(I.A. No. D838/2025: Application for Condonation of Delay)

1. Heard Ms. Nasira Siddiqui, Advocate, holding brief of Shri Prashant Kumar Singh, learned counsel for the appellant and Sri Amit Yadav, learned counsel for the respondent.
2. The applicant-allottee, by the instant application, seeks condonation of 219 days' delay in instituting the appeal. It is submitted that the impugned order dated 18.04.2022, passed by the Adjudicating Officer, U.P. RERA at Gautam Budh Nagar, in Complaint No.ADJ/NCR144/01/69137/2021 came to be uploaded on the portal on 19.04.2022, certified copy was applied on 30.07.2022 i.e. after expiry of limitation period. Certified copy came to be prepared on 01.08.2022, which was received by the applicant on 11.08.2022.
3. It is further submitted that appellant promoter, being a government agency, therefore, due to procedure involved, it had taken considerable time to file the instant appeal. It is urged that after due approval being received from the property section/department, steps were taken to file the appeal. It is

further urged that after receiving certified copy of the order, the officer incharge forwarded file of the case to the property department/section to seek instructions and obtain their decision. It is further submitted that after receiving instructions from the concerned department, brief of the case was forwarded to the Office on Special Duty (land) for approval. It is submitted that finally the file came to be forwarded to the office of the Chief Executive Officer (CEO), on receiving approval of the Officer on Special Duty. Thereafter, appeal came to be instituted.

4. In this backdrop, it is further submitted that the applicant is entitled to waiver due to Covid 19 pandemic.
5. We have perused the record and considered the rival contentions. The submission with regard to Covid 19 pandemic is misconceived. The delay in instituting the appeal has no connection with Covid 19 pandemic in the present facts. Further, the only reason assigned by the applicant promoter is that the appeal could not be filed within the prescribed period of limitation due to administrative lethargy and laxity in processing the file.
6. In the circumstances, the conduct and approach of the applicant is not above board, rather casual. In any case, the application for condonation of delay is bereft of clearly stating the sufficient cause, rather, on their own case pleaded and setup in the application no reasons whatsoever, has been stated, except time taken to obtain approval in filing the appeal.
7. The Hon'ble Supreme Court in *Shivamma (dead) by L.Rs. Vs. Karnatak Housing Board and Ors., Civil Appeal No. 11794 of 2025 decided on 12.09.2025 (Neutral Citation: 2025 INSC 1104)*, revisited the law on condonation of delay and the ambit and scope of the expression 'sufficient cause'. The Court was of the opinion that the Government and its functionaries being an impersonal machinery and inherited with bureaucratic methodology can no longer be accepted to excuse delays, in view of the modern technologies being used and available. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an

exception and should not be used as an anticipated benefit for the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few.

8. The Hon'ble Supreme Court in Shivamma (supra) recorded its conclusion, relevant portion of paragraph 261, 262, 263 and 264, is extracted:

261..... We deem it appropriate to make it abundantly clear that administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay, and we want to convey an emphatic message to all the High Courts that delays shall not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State-machinery is able to establish that it acted with bona fides and remained vigilant all throughout. Procedure is a handmaid to justice, as it famously said. But courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, who also equally suffer the bars of limitation from pursuing litigations due to its own lackadaisical attitude.

262. The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. Litigants cannot be placed in situations of perpetual litigations, wherein the fruits of their decrees of favourable orders are frustrated at later stages.

263. Limitation periods are prescribed to maintain a sweeping scope for the lis to attain for finality. More than the importance of judicial time, what worries us is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia. Such

litigations deserve to be disposed of at the very threshold, because, say if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the lis for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.

264. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law.

9. The **application (IA No. D838 of 2025) being devoid of merit, accordingly, is rejected.** Consequently, the **appeal no. 252 of 2025 is dismissed.**

Dated: 09.02.2026

Irfan **(Devindar Singh Chaudhry) (Sanjai Khare) (Suneet Kumar)**