

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-936/2021

JAI PRAKASH SINGH

.....Appellant

Versus

**LUCKNOW DEVELOPMENT AUTHORITY
LUCKNOW
DEVELOPMENT AUTHORITY**

.....Respondent

**Counsel for Appellant
SIDDHARTHA SINGH**

Counsel for Respondent

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

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

Shri Siddhartha Singh, Advocate is present on behalf of the applicant. No one is present on behalf of the respondent.

Learned counsel for the applicant has filed an affidavit of service stating therein that in pursuance to notice sent by the Registry, the same was sent to the respondent alongwith application for condonation of delay and memo of appeal through speed post on 15.03.2022 and as per the track record of the postal department the same has been delivered to the respondent on 21.03.2022. Further submission of learned counsel for the applicant is that in pursuance to the Tribunal's order dated 24.02.2022, the notice was also sent on the email ID of the respondent registered with the RERA on 14.03.2022.

Learned counsel for the applicant further submitted that as the notice through post as well as through email has been served on the respondent, therefore, the same be treated as sufficient and the matter be proceeded ex-parte.

Shri Anurag Singh, a penal lawyer of the LDA is present in the court. On our asking he submitted that he would not like to accept the notice as earlier in few cases he accepted the notice on the directions of the Tribunal, but failed to get any response from the office of the respondent. Therefore, the appropriate orders be passed.

At this stage, it is relevant to observe that as per the present e-filing of the Tribunal the moment when any appeal is uploaded, an auto-generated link goes on the email IDs of the parties registered with the RERA. Similarly, all orders/documents are being uploaded and a link is generated and goes to the parties and parties can download the memo of appeal alongwith annexures, orders or any other document. Therefore, from the very first day when the appeal is uploaded on the e-portal, the

information is available with the respondent through the email address registered with RERA and it cannot be said that the respondent is unaware about the present proceedings. Even otherwise, the notice through post has also been served on the respondent as well as on the email ID of the respondent on 14.03.2022 additionally. Thus, we treat the service on the respondent sufficient.

However, in the interest of justice, we grant a weeks' time to the respondent for filing objections to the application for condonation of delay as well as to the grounds of appeal. The respondent will send the copy of the same on the email ID of the applicant and his counsel within a week. Reply, if any, will be sent by the applicant to the respondent/LR if any, within a week thereafter.

The parties/LRs are directed to file their respective pleadings after uploading the same on the e-portal of the Tribunal in the respective folders immediately after expiry of the aforesaid period.

List this case for consideration of application for condonation of delay and hearing on **20.04.2022**.

It is made clear that if no objection is filed or one appears on the next date of listing, the matter may proceed ex-parte against the respondent.

Learned counsel for the applicant and the Registry is directed to communicate this order through email additionally to the respondent.

(K.K. Jain)

(D.K. Arora)

Dated: 04.04.2022
GAURAVSRI