

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-349/2022

GREATER NOIDA INDUSTRIAL DEVELOPMENT AUTHORITYAppellant

Versus

MANISH KUMAR AGARWALRespondent

Counsel for Appellant
RAJESH CHADHA

Counsel for Respondent
KUSHAGRA DIKSHIT
FUHAR GUPTA

Hon'ble Mr. Justice Suneet Kumar, Chairman

Hon'ble Mr. Sanjai Khare, Judicial Member

Hon'ble Mr. Rameshwar Singh, Administrative Member

(Review Petition No.3288 of 2022)

Heard Sri Amandeep Singh, learned counsel for appellant and Sri Shikhar Gupta, Advocate, holding brief of Ms.Fuhar Gupta, learned counsel for review applicant/respondent.

The instant review/recall application has been filed by the respondent/applicant to review the order dated 30.05.2022, whereby the delay condonation application of the appellant/promoter was allowed.

The only ground taken in the review petition by the learned counsel for respondent/applicant is that in similar appeals, being Appeal Nos. 470 of 2019 & 471 of 2019, this Tribunal vide order dated 24.12.2021 had rejected the delay condonation application of the appellant whereas in the instant appeal it has been allowed.

It is submitted that all the appeals were heard together and the judgment came to be reserved on 21.10.2021 and thereafter separate orders came to be passed. In the present appeal the order was passed on 30.05.2022, whereas in the other appeals order came to be passed on 24.12.2021 rejecting the delay condonation application.

Learned counsel for respondent/applicant submits that the purpose of present review petition is to seek parity with the orders passed in the other appeals.

This Tribunal, on the last occasion, had asked a question to the learned counsel for respondent/applicant as to how this review petition would be maintainable on

the ground of seeking parity of orders passed in other appeals on merit. Further, on specific query, learned counsel for respondent/applicant is unable to point out any error apparent on the face of record in the order sought to be reviewed. It is not the case of the respondent counsel that he was not heard or the order was obtained by fraud or misrepresentation.

Having due regard to the facts and circumstances of the case, it is settled principle of law that an erroneous/wrong order or judgment cannot be reviewed on merits. Further, under the garb of review petition merits of the application heard and decided cannot be adjudicated upon.

We do not find any merit in the contention of learned counsel for respondent/applicant. Accordingly review petition no.3288 of 2022 is **dismissed**.

List this appeal for hearing on **09.12.2024**.

In the meantime, learned counsel for appellant to comply the order dated 01.04.2024 and to pay the cost by the next date of listing.

(Rameshwar Singh)

(Sanjai Khare)

(Suneet Kumar)

Dated: 08.11.2024

IRFAN