

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-116/2024

EXCELLA INFRAZONE LLP

.....Appellant

Versus

UTTAR PRADESH REAL ESTATE REGULATORY AUTHORITYRespondent

Counsel for Appellant

Counsel for Respondent

DEEPAK AGARWAL

UNNATI VIJAY

RAJAT BHATIA

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

Hon'ble Mr. Sanjai Khare, Judicial Member

An IA No. 1124/2024 has been filed by the applicant on the ground that instant appeal has been filed within period of limitation and inadvertently while issuing notice, it has been mentioned that '*let notice be issued to the respondent on application for condonation of delay*' whereas no application for condonation of delay has been filed by the appellant instead the appellant had filed an application for stay of RERA order.

We have examined the record and found that the impugned order was communicated to the parties on 31.01.2024 by the UP RERA and limitation for filing appeal was upto 30.03.2024 whereas the instant appeal has been filed on 29.03.2024 hence there is no delay in filing the instant appeal. Therefore, in pursuance to the order dated 08.04.2024, the respondent is required to file the objections **only to the grounds of appeal.**

IA No. 1124/2024 is accordingly disposed of.

Record further reveals that an affidavit of service has been filed by the appellant stating therein that on receipt of the soft copy of the notice, issued by the Registry in pursuance to the order dated 08.04.2024, the same was sent to the respondent No.1 (UP RERA) and respondent No. 2 through speed post on 16.04.2024 and as per track record of the postal department, the same was delivered to both the respondents on 18.04.2024 & 19.04.2024 respectively. The soft copy of the

notice, along with entire record was also sent on e-mail ID of the respondents, registered with U.P. RERA on 13.04.2024 & 15.04.2024 respectively.

We have examined the affidavit of service filed by the appellant and submissions of learned counsel for the appellant. Perusal of the same reveals that the notice through postal department as well as notice through email has been delivered to the respondent. Apart from this, the moment when any appeal is uploaded, an auto-generated link goes on the email IDs of the parties registered with the RERA. Similarly, the moment any orders/document is uploaded, a link is generated and goes to the parties and parties can download the memo of appeal alongwith annexure, orders or any other document. Thus, it cannot be said that the respondent is unaware about the present proceedings.

On due consideration, we treat service of notice on the respondent sufficient.

In the interest of justice, we grant 10 days' further time to the respondents for filing objections. The respondents are directed to send soft copy of the same to the applicant and its counsel through email within 10 days. On receipt of the objections, the applicant will send reply, if any, to the respondent within a week thereafter.

Learned counsel for the applicant and the Registry is directed to send the copy of today's order to the respondents and its counsel/s on their email IDs additionally.

List this appeal for hearing/orders on **23.05.2024**.

(Sanjai Khare)

(D.K. Arora)

Dated: 23.04.2024
MANSINGH