

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-232/2021

VINOD KUMAR

.....Appellant

Versus

CITIZEN HOUSING AND DEVELOPING CO-OPERATIVE SOCIETYRespondent

Counsel for Appellant

Counsel for Respondent

SURESH SINGH

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

Hon'ble Mr. Rajiv Misra, Administrative Member

Heard Shri Vinod Kumar, the applicant in person and Shri Dharamraj N., learned counsel for the respondent on the application for condonation of delay.

The applicant submitted that on his complaint, RERA passed the impugned order dated 13.05.2019. The applicant preferred a review against the same order and that was disposed off vide order dated 08.01.2021 and thereafter the present appeal was filed online on 07.03.2021 and the physical copy of the same was submitted in the Registry on 08.03.2021. The submission of applicant is that on account of pendency of review before the RERA, he did not challenge the order of the RERA dated 13.05.2019 and after disposal of his review application, the present appeal has been filed within the period of limitation prescribed under the Act of 2016.

Learned counsel for the respondent also submitted that from the disposal of the review application, the present appeal has been filed within the period of limitation.

We have examined the submissions of both the parties and gone through the record. The review application was disposed off by the RERA vide order dated 08.01.2021 and the present appeal challenging the order of the RERA dated 13.05.2019 has been filed on 07.03.2021. The cause shown is found sufficient to condone the delay. Accordingly, the application is allowed and the delay is condoned. The Registry is directed to **convert** this defective appeal into regular appeal.

As per the report of Registry, the vakalatnama filed by Shri Dharamraj N., learned counsel for the respondent is without authority of the respondent. Learned counsel for the respondent is directed to file the authority of the respondent within a week, so that his name may be shown in the cause list as counsel for the respondent.

The appellant presses that the appeal be heard today itself. Learned counsel for the respondent also insisted for hearing of the appeal.

Appreciating the request of appellant and the learned counsel for the respondent, we proceed to hear the present appeal.

The appellant immediately thereafter submitted that he is not mentally prepared to argue his case, therefore some other date may be given.

Appreciating the request of the appellant, we adjourn hearing of this appeal. List this appeal for final hearing on **04.01.2022**.

(Rajiv Misra)

(D.K. Arora)

Dated: 08.12.2021
GAURAVSRI