

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-823/2020

NISHA SINGH

.....Appellant

Versus

M/S JKG CONSTRUCTION PVT LTD

.....Respondent

Counsel for Appellant

IN PERSON

ALOK SAXENA

Counsel for Respondent

ABHISHEK KHARE

AAHUTI AGARWAL

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

Hon'ble Mr. Rajiv Misra, Administrative Member

The case is taken up through video conferencing.

Shri Alok Saxena, Advocate is present on behalf of the applicant/appellant. No one is present on behalf of the respondent.

The order-sheet reveals that on 23.07.2021 Shri Abhishek Khare, learned counsel for the respondent sought two weeks' time for filing objections to the application for condonation of delay as well as grounds of appeal and also undertook to send copy of the objections to the applicant and her counsel through e-mail within two weeks and consequently the reply was also required to be sent by the applicant to the respondent and its counsel on their e-mail addresses within a week thereafter. The learned counsel for the applicant submitted that he has not received objections from the respondent.

No request for passover or adjournment of the case has been received from the respondent. Therefore, we proceed to examine the application for condonation of delay of the applicant.

Heard Shri Alok Saxena, learned counsel for the applicant on the application for condonation of delay.

The submission of learned counsel for the applicant/appellant is that the information of order dated 15.09.2020 of Real Estate Regulatory Authority was received on mobile of the applicant on 15.09.2020 and as per the provision of Section 44(2) of the Act, 2016 the limitation of 60 days for filing appeal was upto 14.11.2020, but the instant appeal was filed on 19.11.2020 because the Tribunal was closed from 13.11.2020 to 16.11.2020. Therefore, there is no delay in filing the present appeal and if this Tribunal considers the delay in filing the appeal that too is only of six days and in the interest of justice the same deserves to be condoned.

We have examined the submission of learned counsel for the applicant and perused the affidavit filed in support of the application for condonation of delay.

The cause shown in the affidavit is sufficient to condone the delay. Accordingly, the application is allowed and the delay, in filing the appeal, is condoned. The Registry is directed to convert this defective appeal into regular appeal.

The respondent is given two weeks' further time to file objections to the grounds of appeal. The respondent is directed to send copy of the objections to the applicant/appellant and her counsel on their e-mail addresses within two weeks. Reply, if any, will be sent by the applicant/appellant to the respondent and its counsel on their e-mail addresses within a week thereafter. The parties/legal representatives are directed to upload their respective objection/reply on the e-portal of the Tribunal and file original of the same in the Registry at least three days before the next date of listing.

List this case for hearing on **07.09.2021**.

(Rajiv Misra)

(D.K. Arora)

Dated: 12.08.2021
SYEDTANVEER