

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.

The order-sheet reveals that vide order dated 20.04.2022 notice upon the respondent was treated to be sufficient and the matter was proceed ex parte against the respondent.

Heard learned counsel for the applicant on the application for condonation of delay.

The submission of learned counsel for the applicant is that the impugned order dated 21.03.2021 was uploaded on the webpage of U.P. RERA on 16.06.2021 and communicated to the parties on the same day. The limitation of filing appeal was upto 15.08.2021, whereas the appeal was filed on 09.11.2021. The learned counsel for the applicant submitted that the case of the applicant is squarely covered by the judgment and order passed by the Hon'ble Supreme Court from time to time in *Suo Motu Writ Petition (Civil) No. 3 of 2020*.

We have examined the submission of learned counsel for the applicant and perused the judgment and order passed by Hon'ble Supreme Court in Suo Motu Writ Petition (Civil) No. 3 of 2020.

The case of the applicant is squarely covered by the judgment and order passed by Hon'ble Supreme Court in Suo Motu Writ Petition (Civil) No. 3 of 2020.

In view of the above, the delay in filing the present appeal is hereby condoned. The Registry is directed to convert this defective appeal into regular appeal.

Issue notice to the respondent on the memo of appeal, returnable on 04.07.2022.

The Registry is directed to generate a notice for 04.07.2022 and send the same through e-mail to the applicant within 48 hours. The applicant after downloading the notice will send it through speed-post to the respondent annexing copy of memo of appeal and its annexures within three days. The applicant will also send memo of appeal and its annexures, annexing notice issued by the Tribunal through e-mail to the respondent within three days. The applicant will file an affidavit of service annexing copy of postal receipt and transaction report of e-mail sent to the respondent as well as copy of the track record of the postal department regarding service of notice upon the respondent.

On receipt of notice, it is open for the respondent to send objections to the grounds of appeal to the applicant and his counsel through e-mail within 10 days. Reply, if any, will be sent by the applicant to the respondent within a week thereafter. The parties/legal representatives are directed to upload their respective objection/reply on the e-portal of the Tribunal immediately thereafter.

List this appeal on **04.07.2022** for hearing.

(K.K. Jain)

(D.K. Arora)

Dated: 06.05.2022
SYEDTANVEER