

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-14/2022

NEETU SANJAY GANGWAR

.....Appellant

Versus

LUCKNOW DEVELOPMENT AUTHORITY

.....Respondent

Counsel for Appellant

Counsel for Respondent

ABHINAV SINGH

SHASHANK SINGH

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

Hon'ble Mr. K.K. Jain, Technical Member

Shri Shashank Singh, Advocate is present on behalf of the applicant. No one is present on behalf of the respondent. The matter is proceeded ex parte against the respondent in pursuance to the order dated 13.04.2022.

Heard Shri Shashank Singh, the learned counsel for the applicant on the application for condonation of delay.

The submission of learned counsel for the applicant is that the Regulatory Authority on the complaint of the applicant passed impugned order on 18.11.2019. As there was certain typographical mistake in the order, therefore, rectification application was filed by the applicant under Section 39 of the RERA Act and the impugned order dated 18.11.2019 was corrected by the Regulatory Authority vide order dated 24.02.2020. The limitation for filing appeal against the impugned order dated 18.11.2019 after correction of the said order vide order dated 24.02.2020 was upto 24.04.2020. But just after that Covid-19 pandemic spread and after passing 25 days, The Hon'ble Supreme Court, on account of outburst of Covid-19 pandemic, took cognizance of the situation vide Sua Motu Writ Petition (Civil) No. 3 of 2020 and by means of order dated 23.03.2021 extended the limitation period from

15.03.2020 till further orders. The said order was extended from time to time on various applications moved in the said petition. Finally, vide order dated 10.01.2022 the period of filing suit, appeal etc. was extended from 15.03.2020 till 28.02.2022. The present appeal was filed in the month of January 2022.

The further submission of learned counsel for the applicant is that the delay in filing the present appeal is squarely covered by the order dated 10.01.2022 of Hon'ble Supreme Court passed in Suo Motu Writ Petition (Civil) No. 3 of 2020. Therefore, in the interest of justice, the delay in filing the present appeal deserves to be condoned.

We have examined the submissions of learned counsel for the applicant and perused the affidavit filed in support of application for condonation of delay as well as order of Hon'ble Supreme Court passed in Suo Motu Writ Petition (Civil) No. 3 of 2020.

The limitation has been extended from 15.03.2020 till 28.02.2022 for various categories of proceedings by the Hon'ble Supreme Court vide order dated 10.01.2022, as such the case of the applicant is squarely covered by the order dated 10.01.2022 of the Hon'ble Supreme Court.

In view of the above, the application for condonation of delay is allowed. The delay in filing the instant appeal is hereby condoned.

Let notice be issued to the respondent, returnable on 12.05.2022.

The Registry will generate a notice for 12.05.2022 and send the same through e-mail to the applicant and his counsel within 48 hours. The applicant after downloading the notice will send it through speed-post to the respondent annexing the copy of memo of appeal and its annexures within three days. The applicant will

also send the copy of 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 the notice, it is open for the respondent to send objections to the grounds of appeal to the applicant and her counsel through e-mail within 10 days. Reply, if any, will be sent by the applicant to the respondent and its counsel 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 for hearing on **12.05.2022**.

(K.K. Jain)

(D.K. Arora)

Dated: 18.04.2022
SYEDTANVEER