**THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW**

**Division Bench Court No. 1**

**APPEAL-173/2025**

SHASHANK GUPTA .............**Appellant**

**Versus**

VATIKA NIRMAN PRIVATE LIMITED .............**Respondent**

**Counsel for Appellant**
AMIT YADAV
ROMIT SETH

**Counsel for Respondent**
HARISH PANDEY

**Hon'ble Mr. Justice Suneet Kumar, Chairman**
**Hon'ble Mr. Sanjai Khare, Judicial Member**
**Hon'ble Mr. Rameshwar Singh, Administrative Member**

**(I.A. 569/2025 Delay Condonation Application)**

1. Heard learned counsel for the parties on delay condonation application.

2. The appellant/applicant by the instant application is seeking condonation of 258 days delay in instituting the appeal. It is submitted that the impugned order came to be passed on 30.08.2024, duly uploaded on the following date i.e. on 31.08.2024. The limitation for instituting the appeal is sixty days. However, the applicant/appellant uploaded only the impugned order on the portal of Tribunal on 26.02.2025, finally the appeal came to be instituted on 13.05.2025. The explanation furnished by the applicant that he is resident of District-Ghaziabad/Gautam Budh Nagar, and, after coming to know about the impugned order, due to engagement in professional work in Delhi/NCR, and further, due to some minor health issues, he was unable to visit Lucknow to collect the certified copy of the impugned order. It is further submitted that the certified copy came to be received sometime in December, 2024, and, thereafter applicant consulted his counsel in Delhi/Noida and tried to engage the counsel in Lucknow for filing the appeal. It is further submitted that after taking some vacations, he was advised to file the appeal before the Tribunal. It is thereafter submitted that sometime was

lost in arranging the documents and thereafter the appeal came to be filed. It is urged that the delay in filing the appeal was not willful or deliberate.

3. In rebuttal, counsel for the respondent has filed objections, wherein, it is averred in Para-5 that applicant/appellant is a former Director and Chief Finance Officer (CFO) of the respondent company. It is further submitted that he was the sole authorized signatory with the bank. In Para-10, it is submitted that applicant had syphoned huge amount of money of the company, about Rs. 3.42/- Crores, into the companies floated by the applicant/appellant. Further, in Para-11 it has been stated that applicant/appellant in connivence with the other employees had managed to obtain/manufacture forged Builder Buyer Agreement (BBA) in respect of fifteen units. The respondent-company has already filed complaints under the Companies Act, as well as, lodged criminal complaints against the applicant. In this backdrop, it is urged that applicant is not innocent/unaware allottee, rather, a fraudulent person.

4. In the rejoinder affidavit filed by the applicant, the factum of the averments made in Para Nos. 5, 10 & 11 of the counter has not been emphatically denied, nor, explained. It is admitted that applicant was a former Director of the company.

5. Having regard to the averments made in the delay condonation application/supplementary condonation application, we do not find that reasonable sufficient cause has been setup by the applicant to condone the delay. The **delay condonation application being devoid of merit is accordingly rejected**. Consequently, the **appeal stands dismissed**.

(Rameshwar Singh) (Sanjai Khare) (Suneet Kumar)

**Dated: 30.01.2026**
PRADEEPKUMAR