

Reserved Judgment
Bench No. 1

THE UTTAR PRADESH REAL ESTATE APPELLATE
TRIBUNAL
AT
LUCKNOW

Appeal No. D 692 of 2023

Uppal Chadha Hi-Tech Developers Pvt. Ltd.

.....Appellant.

Versus

Madhu Agarwal

.....Respondent.

Hon'ble Mr. Justice Suneet Kumar, Chairman.

Hon'ble Mr. Sanjai Khare, Judicial Member.

Hon'ble Mr. Rameshwar Singh, Administrative Member.

1. Heard learned counsels for the parties.
2. The learned counsel for the applicant has filed an application for condonation of delay in instituting the appeal. The instant application has been filed by the applicant-promoter, seeking condonation of 331 days delay in instituting the appeal.
3. We have perused the averments made in the affidavit filed in support of application for condonation of delay with the assistance of learned counsel for the applicant. It is submitted that the impugned order came to be passed on 21.09.2022, which was uploaded on the RERA portal on 07.10.2022. Thereafter, on the resolution of the Board of Members, the applicant-company, took a decision to file an appeal against the impugned order. It is further submitted that on contacting the counsel, he sought certain papers and the applicant took some time to collect the copies of entire record and finally made it available to the counsel on 15.12.2022.
4. It is submitted that, thereafter, further documents were demanded by the counsel and only thereafter, memo of appeal was drafted and finally instituted on 02.01.2023. According to counsel for the applicant the delay is of 26 days. On being confronted with the 'details of cases' uploaded on the portal of the Tribunal, the learned counsel for the applicant does not dispute that delay is of 331 days in instituting the appeal before this Tribunal.

5. No satisfactory explanation has been furnished by the applicant-company. The applicant-company must be having battery of lawyers attending to the litigations of the company in various forums, therefore, the applicant-company should have been prompt and vigilant in taking legal recourse.
6. In our opinion, delay in instituting the appeal is willful and deliberate. Accordingly, the **application for condonation of delay is rejected**. Consequently, the **appeal is dismissed**.

(Rameshwar Singh)

(Sanjai Khare)

(Suneet Kumar)

Dated: 02.12.2024

Tanveer/-