

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 2

APPEAL-936/2020

SOWRANGSHU KUMAR CHOWDHURY

.....Appellant

Versus

SIKKA INFRASTRUCTURE PVT LTD.

.....Respondent

Counsel for Appellant
ANAGH MISHRA

Counsel for Respondent
SURENDRA KUMAR MISHRA

Hon'ble Mr. T.B. Singh, Judicial Member
Hon'ble Mr. K.K. Jain, Technical Member

Case called on.

Mr. Anag Mishra, learned counsel for the applicant and Mr. Surendra Kumar Mishra, learned counsel for respondent are present.

Heard on limitation application which has been filed with contentions that the impugned order has been passed on 30.06.2020 by the Regulatory Authority and the applicant has applied for certified copy of the order on 10.11.2020 which was issued to him on 02.12.2020. Thereafter the instant appeal was filed on 15.12.2020.

Learned counsel for applicant has taken plea of lock down due to Covid-19 Pandemic during the period 15.03.2020 to 02.10.2021.

Against the application for limitation, the respondent has filed objection and submitted that the applicant is entitled to get the benefit of the verdict of the Hon'ble Apex Court in Suo Motu Petition Writ (Civil) No. 3 of 2020, in re: Cognizance for extension of limitation, dated 23.03.2020 relating to Covid-19 Pandemic, wherein, relaxation has been provided to the appellants/plaintiffs/parties to the suit for the period from 15.03.2020 to 02.10.2021 for the purpose of limitation for filing any legal proceedings or suit before any Court or Tribunal. The applicant has prayed at the last in the application that short period of delay in filing the appeal be condoned in the facts and circumstances of the case.

Prima-facie, it is apparent that the impugned order relates to 04.03.2021 which was uploaded on the website of RERA on, 05.03.2021, but the instant appeal has been filed on 03.09.2021. It is well known fact that Covid-19 pandemic was prevailing since 15.03.2020 to 02.10.2021 which has been recognized by the Hon' ble Court in **Suo Motu Petition Writ (Civil) No. 3 of 2020**, in re: **Cognizance for extension of limitation** and on this basis the relaxation has been given to all litigants to file suit or any legal proceedings before any Court or Tribunal after giving due benefit of the said period.

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

Let this defective appeal be registered as **Regular Appeal**.

Learned counsel for respondent brought to the notice that the pleadings have been exchanged. Both parties directed to file list of dates and events and the cases relied by them after exchanging the same to each other before the next date fixed.

List this case on **24.12.2021** for further orders.

(K.K. Jain)

(T.B. Singh)

Dated: 24.11.2021
VIJAYKUMAR