

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-166/2023

**U.P. STATE INDUSTRIAL DEVELOPMENT CORPORATION
LIMITED**

.....Appellant

Versus

NISHA DEVINISHA DEVI

.....Respondent

**Counsel for Appellant
KARTIKEY DUBEY
RAMESH CHANDRA MISHRA**

Counsel for Respondent

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

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

Learned counsel for the applicant has uploaded an affidavit of service stating therein that the notice alongwith application for condonation of delay and memo of appeal and its annexures were sent to the respondent through speed post on 21.04.2023 and the same has been delivered by the postal department on 25.04.2023. The notice has also been sent through email to the respondent on 24.03.2023. Learned counsel for the applicant submitted that as the notice by post as well as through email has been delivered to the respondent, but the respondent didn't choose to appear, therefore the service to the respondent be treated as sufficient.

We have examined the affidavit of service filed by the applicant. Perusal of the same reveals that the postal notice as well as notice by email has been delivered to the respondent. Apart from this, the moment when any appeal is uploaded, an auto-generated link goes on the email IDs of the parties registered with the RERA. Similarly, all orders/documents are being uploaded and a link is generated and goes to the parties and parties can download the memo of appeal alongwith annexure, orders or any other document. Thus, it cannot be said that the respondent is unaware about the present proceedings. On due consideration, we treat service of notice on the respondent sufficient.

In the interest of justice, we grant 10 days' further time to the respondent for filing objections. The respondent is directed to send the copy of the same to the applicant and its counsel through email within 10 days. On receipt of the objections, the applicant will send reply, if any to the respondent within a week thereafter.

List this case for consideration of application for condonation of delay and hearing on **19.07.2023**.

Learned counsel for the applicant and the Registry is directed to send the copy of today's order to the respondent and its counsel on their email IDs additionally.

(K.K. Jain)

(D.K. Arora)

Dated: 05.05.2023
GAURAVSRI