

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 2

APPEAL-566/2023

PAWAN KUMAR

.....Appellant

Versus

U.P. AWAS EVAM VIKAS PARISHAD
U.P. AWAS EVAM VIKAS
PARISHAD

.....Respondent

Counsel for Appellant
AMIT YADAV

Counsel for Respondent

Hon'ble Mr. Sanjai Khare, Judicial Member

Hon'ble Mr. Rameshwar Singh, Administrative Member

Heard Sri Amit Yadav, learned counsel for the applicant and Sri NN Pandey, learned counsel for the respondent on application for condonation of delay as well as objections of the respondent thereto.

The present appeal has been filed on 19.07.2023 challenging the order of the Regulatory Authority dated 24.02.2023 which was uploaded on the portal of RERA on 16.03.2023.

Learned counsel for the applicant submits that delay of 65 days in filing instant appeal occurred due to illness and treatment of appellant for pancreatic disease as well as illness of mother of the appellant. Medical certificate dated 26.06.2023 filed by the appellant reveals that he was under treatment for last five months and medical treatment papers of mother of appellant also reveal that she was under treatment for three to four months. Medical certificate dated 26.06.2023 endorses that appellant is now declared fit for normal work and duties and, thereafter, the present appeal has been filed.

Learned counsel for the respondent opposed the application for condonation of delay on the ground proper cause for delay in filing appeal has not been shown. Learned counsel for the respondent submitted that that all the papers with respect to filing appeal are available on web portal of RERA, therefore, there was no need of physical movement to obtain the documents/papers for filing appeal and had the appellant wished, the appeal could have been filed well within time.

We have heard the submissions of learned counsels for the parties and gone through the record. The medical certificate filed by the applicant reveals that appellant was ill for the period of five months in between passing of the impugned order/uploading it on portal of U.P. Real Estate Regulatory Authority and before filing the appeal. We are of the considered view that cause shown for delay in filing appeal is sufficient. The application for condonation of delay is accordingly **allowed** and delay in filing appeal is **condoned**.

Registry is directed to convert instant defective appeal into regular appeal.

On the joint request of learned counsels for the parties, list this appeal for final hearing on **05.02.2025**.

(Rameshwar Singh)

(Sanjai Khare)

Dated: 21.01.2025

MANSINGH