

SUNIL KUMAR MISRA

.....Appellant

Versus

KANPUR DEVELOPMENT AUTHORITY KANPUR DEVELOPMENT
AUTHORITY

.....Respondent

Counsel for Appellant
PRAKHAR DIXIT

Counsel for Respondent

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

Heard Sri Prakhhar Dixit, learned counsel for the applicant and Sri Bhupendra, learned counsel for the respondent on the application for condonation of delay.

Learned counsel for the applicant submitted that there is delay of 22 days in filing the present appeal, but the delay is squarely covered by the order of Hon'ble Supreme Court. The impugned order dated 26.10.2021 was uploaded on the e-portal of RERA on 17.11.2021. The limitation for filing the present appeal was upto 16.01.2022 whereas the present appeal has been filed on 09.02.2022. Learned counsel for the applicant placed reliance on the order of Hon'ble Supreme Court dated 10.01.2022 passed on Misc. Application No. 665 of 2021 in Suo Moto Writ (C) No. 3 of 2020 in re: Cognizance for Extension of Limitation.

Learned counsel for the respondent submitted that since the cause of delay is squarely covered by the aforesaid order of Hon'ble Supreme Court, therefore, he has no objection to condonation of delay.

On due consideration we found that the cause of delay is squarely covered by the said order of Hon'ble Supreme Court. Accordingly, the application for condonation of delay is allowed. The delay in filing the appeal is condoned.

Registry is directed to **convert this defective appeal into Regular Appeal.**

Sri Prakhhar Dixit, learned counsel for the appellant submitted that subject to the decision of the present proceedings he is ready to deposit the outstanding amount demanded by the respondent and he has already submitted stamps of Rs.3,34,000/- for execution of the conveyance deed and the respondent be directed to get the conveyance deed executed.

Learned counsel for the respondent submitted that vide demand letter dated 26.07.2019 the demand has already been raised but the appellant has only submitted stamps for execution of the conveyance deed and rest of the demand has not been complied with.

In order to resolve the issue regarding execution of the conveyance deed, specially looking to the fact that the stamps have already been submitted, we direct the respondent to issue fresh demand letter within 7 days and on satisfying the demand the respondent will take immediate steps for execution of the conveyance deed and delivery of possession of the unit in question. The amount deposited by the appellant in pursuance to fresh demand letter will be subject to the decision of the present proceedings.

List this appeal for hearing on **18.08.2022**.

(K.K. Jain)

(D.K. Arora)

Dated: 20.07.2022
SHAKIR