

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-110/2026

**YAMUNA EXPRESSWAY INDUSTRIAL DEVELOPMENT
AUTHORITY**

.....Appellant

Versus

MEHWISH KHAN

.....Respondent

**Counsel for Appellant
ANKIT RAJ CHAUDHARY**

**Counsel for Respondent
AVINASH SINGH VISHEN**

Hon'ble Mr. Justice Suneet Kumar, Chairman

Hon'ble Mr. Rameshwar Singh, Administrative Member

(IA No. 271/2026: Application for condonation of delay)

1. Heard learned counsel for the parties and perused the delay condonation application dated 25.02.2026.
2. The appellant-promoter, by the instant application, seeks condonation of 944 days delay in instituting the appeal. The impugned order came to be passed on 15.05.2023 by U.P. Real Estate Regulatory Authority at Gautam Budh Nagar (for short, 'Regulatory Authority'), in Complaint No. NCR144/11/102452/2022. The order came to be uploaded on the portal of U.P. RERA on 24.05.2023.
3. It is submitted that as soon as the appellant came to know of the impugned order, the file was sent to the Officer In-charge, who forwarded the file to the property department, having jurisdiction over the area concerned to seek instructions and to take decision in the matter. It is further submitted that after receiving the information/instruction from the property department, the file was forwarded to OSD (Land) for approval. It is submitted that after obtaining approval from OSD, the file was again forwarded to Additional Chief Executive Officer (ACEO) for approval of filing appeal, who further sought final approval from Chief Executive

Officer (CEO). Ultimately, the approval of CEO was obtained. Thereafter, the defective appeal came to be instituted on 14.07.2023.

4. The Hon'ble Supreme Court in ***Shivamma (dead) by L.Rs. Vs. Karnatak Housing Board and Ors., Civil Appeal No. 11794 of 2025 decided on 12.09.2025 (Neutral Citation: 2025 INSC 1104)***, revisited the law on condonation of delay and the ambit and scope of the expression 'sufficient cause'. The Court was of the opinion that the Government and its functionaries being an impersonal machinery and inherited with bureaucratic methodology can no longer be accepted to excuse delays, in view of the modern technologies being used and available. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few.
5. The Hon'ble Supreme Court in Shivamma (supra) recorded its conclusion, relevant portion of paragraph 261, 262, 263 and 264, is extracted:

261..... We deem it appropriate to make it abundantly clear that administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay, and we want to convey an emphatic message to all the High Courts that delays shall not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State-machinery is able to establish that it acted with bona fides and remained vigilant all throughout. Procedure is a handmaid to justice, as it famously said. But courts, and more particularly the constitutional courts, ought not to obviate the procedure for a

litigating State agency, who also equally suffer the bars of limitation from pursuing litigations due to its own lackadaisical attitude.

262. *The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. Litigants cannot be placed in situations of perpetual litigations, wherein the fruits of their decrees of favourable orders are frustrated at later stages.*

263. *Limitation periods are prescribed to maintain a sweeping scope for the lis to attain for finality. More than the importance of judicial time, what worries us is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia. Such litigations deserve to be disposed of at the very threshold, because, say if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the lis for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.*

264. *No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law.*

6. The approach of the appellant-promoter is casual and no plausible reason, whatsoever, has been given to condone the delay in instituting the appeal beyond the period of limitation.
7. The delay **condonation application (I.A. No. 271/2026)**, being devoid of **merit, is rejected**. Consequently, the **appeal stands dismissed**.

(Rameshwar Singh)

(Suneet Kumar)

Dated: 11.05.2026
SYEDTANVEER