

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-306/2021

U.P. AVAS EVAM VIKAS PARISHAD

.....Appellant

Versus

SHOBHIT CHATURVEDI

.....Respondent

Counsel for Appellant

Counsel for Respondent

ANOOP KUMAR ASTHANA

AKHAND PRATAP SINGH

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

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

This case has already been directed to be proceeded ex-parte hearing on the application for condonation of delay vide order dated 05.04.2022, therefore we proceed to examine the application for condonation of delay.

The submission of learned counsel for the applicant is that the impugned order dated 18.12.2020 was uploaded on 19.12.2020. The limitation for filing the present appeal was up to 18.02.2021 and the present appeal was uploaded on 20.03.2021 and was physically filed on 23.03.2021 with a delay of 32 days. He further submitted that the delay in filing the present appeal is squarely covered by the orders passed from time to time by the Hon'ble Supreme Court In Re: Suo Moto Writ (Civil) Petition No. 3/2021 titled as In Re: Cognizance for Extension of Limitation. In the interest of justice, delay be condoned and the defective appeal be directed to be converted into regular appeal as the compliance of the provisions of Section 43(5) of the Act has already been made by the applicant.

We have examined the submissions of learned counsel for the applicant and gone through the affidavit filed in support of application for condonation of delay as well as the orders of Hon'ble Supreme Court In Re: Suo Moto Writ (Civil) Petition No. 3/2021. As the claim of the applicant is squarely covered by the order of Hon'ble Supreme Court, therefore, we allow the application and the delay is **condoned**. The Registry is directed to **convert** the present case into regular appeal.

Though appearance on behalf of the respondent has been put in by Dr. Azhar Ikram, Advocate, but he has not filed his vakalatnama. Appearance of Dr. Azhar Ikram, Advocate establishes the fact that the respondent is fully aware about the present proceedings.

In the interest of justice, we grant 10 days' and no more time to the respondent to file objections to the grounds of appeal. The respondent is directed to send the copy of the same to the applicant and his counsel through email within 10 days. On receipt of the objections, learned counsel for the applicant will send reply, if any to the respondent and its counsel within a week thereafter.

The parties/LRs are directed to file their respective pleadings after uploading the same on the e-portal of the Tribunal in the respective folders immediately after expiry of the aforesaid period.

List this appeal for hearing on **04.07.2022**.

(K.K. Jain)

(D.K. Arora)

Dated: 11.05.2022
GAURAVSRI