

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 2

APPEAL-803/2021

ANCHAL GOEL

.....Appellant

Versus

SUNCITY HI-TECH INFRASTRUCTURES PVT. LTD.

.....Respondent

Counsel for Appellant
SACHIN GUPTA

Counsel for Respondent
HIMANHSU BORA
GAGAN KATYAYAN

Hon'ble Mr. T.B. Singh, Judicial Member
Hon'ble Mr. K.K. Jain, Technical Member

Case called on.

Counsel Sri Tushar Bahadur on behalf of applicant/appellant, and counsel Sri Himanshu Bora on behalf of respondent appeared.

Counsel Sri Himanshu Bora submitted that he will file his Vakalatnama on behalf of respondent during the course of the day.

Heard on the point of limitation.

Without going into depth of the contents of limitation application it is clear that the impugned order was passed on 20.07.2021 and the same was uploaded on the official website of Regulatory Authority on 11.08.2021. As per provisions of Section 44(2) of the Act, this appeal ought to be filed before 11.10.2021, but the instant appeal has been filed on 29.10.2021 i.e. after a delay of 19 days.

It is well known that COVID-19 pandemic was effective during the period of 15.03.2020 to 02.10.2021. The Hon'ble Apex Court has laid down that if the limitation period expires during the aforesaid period the applicant/litigant is entitled to get the additional period of limitation beyond 02.10.2021. The instant case is fully covered with the verdict of the Hon'ble Apex Court.

In the light of above, application for condonation of delay deserves to be allowed. Accordingly, the delay is condoned. Registry is directed to register this defective appeal into regular appeal.

Counsel for the respondent is directed to file reply to the memo of appeal, and copy of the same will be sent on the respective e-mail addresses of the applicant/appellant and her counsel.

List this defective appeal on **19.01.2022** for further order.

(K.K. Jain)

(T.B. Singh)

Dated: 23.12.2021
PRADEEPKUMAR