

THE UTTAR PRADESH REAL ESTATE APPELLATE TRIBUNAL,
AT
LUCKNOW.

Allottees' Appeals

1. **Appeal No. 748/2022**
Raj Kumar Goyal Appellant.
Versus
Yamuna Expressway Industrial Development Authority Respondent.
With
2. **Appeal No. 271/2022**
Usha Chhabra Appellant.
Versus
Yamuna Expressway Industrial Development Authority Respondent.
With
3. **Appeal No. 272/2022**
Swatantra Kumar Appellant.
Versus
Yamuna Expressway Industrial Development Authority Respondent.
With
4. **Appeal No. 273/2022**
Shashi Sharma Appellant.
Versus
Yamuna Expressway Industrial Development Authority Respondent.
With
5. **Appeal No. 274/2022**
Mohd.Shoaib Appellant.
Versus
Yamuna Expressway Industrial Development Authority Respondent.
With
6. **Appeal No. 275/2022**
Neelam Mittal Appellant.
Versus
Yamuna Expressway Industrial Development Authority Respondent.
With
7. **Appeal No. 276/2022**
Annapurna Srivastava Appellant.
Versus
Yamuna Expressway Industrial Development Authority Respondent.
With
8. **Appeal No. 277/2022**
Bilal Feroz Appellant.
Versus
Yamuna Expressway Industrial Development Authority Respondent.
With
9. **Appeal No. 278/2022**
Pankaj Kumar Singh Appellant.
Versus
Yamuna Expressway Industrial Development Authority Respondent.

10.	With Appeal No. 279/2022 Ashok Khosla	Appellant.
	Versus Yamuna Expressway Industrial Development Authority	Respondent.
11.	With Appeal No. 280/2022 Arun Kumar	Appellant.
	Versus Yamuna Expressway Industrial Development Authority	Respondent.
12.	With Appeal No. 281/2022 Ashok Kumar	Appellant.
	Versus Yamuna Expressway Industrial Development Authority	Respondent.
13.	With Appeal No. 282/2022 Sanjay Singh Bhati	Appellant.
	Versus Yamuna Expressway Industrial Development Authority	Respondent.
14.	With Appeal No. 283/2022 Rajeev Kumar Agrawal	Appellant.
	Versus Yamuna Expressway Industrial Development Authority	Respondent.
15.	With Appeal No. 322/2022 Jitender Singh Chhabra	Appellant.
	Versus Yamuna Expressway Industrial Development Authority	Respondent.
16.	With Appeal No. 451/2022 Sunita Sharma	Appellant.
	Versus Yamuna Expressway Industrial Development Authority	Respondent.
17.	With Appeal No. 452/2022 Vaibhav Goel	Appellant.
	Versus Yamuna Expressway Industrial Development Authority	Respondent.
18.	With Appeal No. 489/2022 Rashi Agrawal	Appellant.
	Versus Yamuna Expressway Industrial Development Authority	Respondent.
	With	

19.	Appeal No. 490/2022	
Akshita Chakravorty	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
	With	
20.	Appeal No. 491/2022	
Gaurav Bhatia	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
	With	
21.	Appeal No.493/2022	
Rekha Rani	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
	With	
22.	Appeal No. 494/2022	
Rajeev Agarwal	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
	With	
23.	Appeal No. 495/2022	
Pooja Agarwal	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
	With	
24.	Appeal No. 608/2022	
Nidhee Chandra	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
	With	
25.	Appeal No.615/2022	
Atul Nagpal	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
	With	
26.	Appeal No. 625/2022	
Nalin Tokas	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
	With	
27.	Appeal No. 626/2022	
Aditi Garg	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
	With	
28.	Appeal No.627/2022	
Kamlakar Kaur	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
	With	
29.	Appeal No. 628/2022	
Devaki Goel	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.

30.	With Appeal No. 629/2022	
Anita Bhutani	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
31.	With Appeal No.630/2022	
Rahul Chhabra	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
32.	With Appeal No. 752/2022	
Krishan Lal Chhabra	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
33.	With Appeal No. 754/2022	
Meenu Kumar Goyal	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
34.	With Appeal No. 755/2022	
Naresh Kher	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
35.	With Appeal No. 756/2022	
Vandana Rehshi	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
36.	With Appeal No. 765/2022	
Navin Galhotra	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
37.	With Appeal No. 323/2022	
Upasana Gupta	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
38.	With Appeal No. 324/2022	
Lal Krishan	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
39.	With Appeal No. 325/2022	
Nidhi Khattar	.....	Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
40.	With Appeal No. 326/2022	
Manohar Thairani	.....	Appellant.
	Versus	

Yamuna Expressway Industrial Development Authority	Respondent.
With	
41. Appeal No. 329/2022	
Sunil Kumar	Appellant.
Versus	
Yamuna Expressway Industrial Development Authority	Respondent.
With	
42. Appeal No. 631/2022	
Samanvay Goel	Appellant.
Versus	
Yamuna Expressway Industrial Development Authority	Respondent.
With	
43. Appeal No. 632/2022	
Malvika Vats	Appellant.
Versus	
Yamuna Expressway Industrial Development Authority	Respondent.
With	
44. Appeal No. 633/2022	
Aditya Goel	Appellant.
Versus	
Yamuna Expressway Industrial Development Authority	Respondent.
With	
45. Appeal No. 634/2022	
Sangeeta Khosla	Appellant.
Versus	
Yamuna Expressway Industrial Development Authority	Respondent.
With	
46. Appeal No. 635/2022	
Dr.S.K.Saxena	Appellant.
Versus	
Yamuna Expressway Industrial Development Authority	Respondent.
With	
47. Appeal No. 636/2022	
Shyam Sunder B Ambwani	Appellant.
Versus	
Yamuna Expressway Industrial Development Authority	Respondent.
With	
48. Appeal No. 637/2022	
Mohit Chandra	Appellant.
Versus	
Yamuna Expressway Industrial Development Authority	Respondent.
With	
49. Appeal No. 728/2022	
Satwant Singh Chhabra	Appellant.
Versus	
Yamuna Expressway Industrial Development Authority	Respondent.
With	
50. Appeal No. 729/2022	
Leela Dhar Sharma	Appellant.
Versus	
Yamuna Expressway Industrial Development Authority	Respondent.
With	
51. Appeal No. 737/2022	
Devendra Kumar Gupta	Appellant.

	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
	With	
52.	Appeal No. 738/2022	
Kushal Pal Singh Rathaur		Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
	With	
53.	Appeal No. 739/2022	
Jasvinder Singh Bhui		Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
	With	
54.	Appeal No. 740/2022	
Amit Malik		Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
	With	
55.	Appeal No. 752/2022	
Krishan Lal Chhabra		Appellant.
	Versus	
Yamuna Expressway Industrial Development Authority		Respondent.
	With	

Cross Appeals of Promoter

56.	Appeal No.296/2023	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Samanvaya Goel		Respondent
	With	
57.	Appeal No.44/2023	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Usha Chhabra		Respondent.
	With	
58.	Appeal No.775/2022	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Swatantra Kumar		Respondent.
	With	
59.	Appeal No.781/2022	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Shashi Sharma		Respondent.
	With	
60.	Appeal No.780/2022	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Mohd.Shoaib		Respondent.
	With	
61.	Appeal No.193/2023	
Yamuna Expressway Industrial Development Authority		Appellant.

	Versus	
Neelam Mittal	.....	Respondent.
	With	
62.	Appeal No.41/2023	
Yamuna Expressway Industrial Development Authority	.....	Appellant.
	Versus	
Annapurna Srivastava	.....	Respondent.
	With	
63.	Appeal No.776/2022	
Yamuna Expressway Industrial Development Authority	.....	Appellant.
	Versus	
Bilal Feroz	.....	Respondent.
	With	
64.	Appeal No.790/2022	
Yamuna Expressway Industrial Development Authority	.....	Appellant.
	Versus	
Pankaj Kumar Singh	.....	Respondent.
	With	
65.	Appeal No.870/2022	
Yamuna Expressway Industrial Development Authority	.....	Appellant.
	Versus	
Ashok Khosla	.....	Respondent.
	With	
66.	Appeal No.804/2022	
Yamuna Expressway Industrial Development Authority	.....	Appellant.
	Versus	
Arun Kumar	.....	Respondent.
	With	
67.	Appeal No.803/2022	
Yamuna Expressway Industrial Development Authority	.....	Appellant.
	Versus	
Ashok Kumar	.....	Respondent.
	With	
68.	Appeal No.9/2023	
Yamuna Expressway Industrial Development Authority	.....	Appellant.
	Versus	
Sanjai Bhati	.....	Respondent.
	With	
69.	Appeal No.42/2023	
Yamuna Expressway Industrial Development Authority	.....	Appellant.
	Versus	
Rajiv Kumar Agarwal	.....	Respondent.
	With	
70.	Appeal No.121/2023	
Yamuna Expressway Industrial Development Authority	.....	Appellant.
	Versus	
Jitender Singh Chhabra	.....	Respondent.
	With	
71.	Appeal No.122/2023	
Yamuna Expressway Industrial Development Authority	.....	Appellant.
	Versus	
Sunita Sharma	.....	Respondent.
	With	
72.	Appeal No.707/2022	

Yamuna Expressway Industrial Development Authority	Appellant.
Versus	
Vaibhav Goel	Respondent.
With	
73. Appeal No.36/2023	
Yamuna Expressway Industrial Development Authority	Appellant.
Versus	
Akshita Chakravorty	Respondent.
With	
74. Appeal No.120/2023	
Yamuna Expressway Industrial Development Authority	Appellant.
Versus	
Rekha Rani Jain	Respondent.
With	
75. Appeal No.118/2023	
Yamuna Expressway Industrial Development Authority	Appellant.
Versus	
Pooja Agarwal	Respondent.
With	
76. Appeal No.189/2023	
Yamuna Expressway Industrial Development Authority	Appellant.
Versus	
Nidhee Chandra	Respondent.
With	
77. Appeal No.819/2022	
Yamuna Expressway Industrial Development Authority	Appellant.
Versus	
Atul Nagpal	Respondent.
With	
78. Appeal No.864/2022	
Yamuna Expressway Industrial Development Authority	Appellant.
Versus	
Nalin Tokas	Respondent.
With	
79. Appeal No.194/2023	
Yamuna Expressway Industrial Development Authority	Appellant.
Versus	
Aditi Garg	Respondent.
With	
80. Appeal No.820/2022	
Yamuna Expressway Industrial Development Authority	Appellant.
Versus	
Kamlakar Kaul	Respondent.
With	
81. Appeal No.818/2022	
Yamuna Expressway Industrial Development Authority	Appellant.
Versus	
Devaki Goel	Respondent.
With	
82. Appeal No.821/2022	
Yamuna Expressway Industrial Development Authority	Appellant.
Versus	
Anita Bhutani	Respondent.
With	

83.	Appeal No.191/2023	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Rahul Chhabra		Respondent.
	With	
84.	Appeal No.805/2022	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Krishan Lal Chhabra		Respondent.
	With	
85.	Appeal No.124/2023	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Meenu Kumar Goyal		Respondent.
	With	
86.	Appeal No.865/2022	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Naresh Kher		Respondent.
	With	
87.	Appeal No.125/2023	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Vandana Rehshi		Respondent.
	With	
88.	Appeal No.789/2022	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Navin Galhotra		Respondent.
	With	
89.	Appeal No.219/2023	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Upasana Gupta		Respondent
	With	
90.	Appeal No.871/2022	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Lal Krishan		Respondent
	With	
91.	Appeal No.123/2023	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Nidhi Khattar		Respondent
	With	
92.	Appeal No.712/2022	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Sunil Kumar		Respondent
	With	
93.	Appeal No.43/2023	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Aditya Goyal		Respondent.

94.	With Appeal No.866/2022 Yamuna Expressway Industrial Development Authority	Appellant.
	Versus Sangeeta Khosla	Respondent.
95.	With Appeal No.190/2023 Yamuna Expressway Industrial Development Authority	Appellant.
	Versus Shyam Sunder B Ambwani	Respondent.
96.	With Appeal No.71/2023 Yamuna Expressway Industrial Development Authority	Appellant.
	Versus Satwant Singh Chhabra	Respondent.
97.	With Appeal No.749/2022 Yamuna Expressway Industrial Development Authority	Appellant.
	Versus Leela Dhar Sharma	Respondent.
98.	With Appeal No.192/2023 Yamuna Expressway Industrial Development Authority	Appellant.
	Versus Devendra Kumar Gupta	Respondent.
99.	With Appeal No.708/2022 Yamuna Expressway Industrial Development Authority	Appellant.
	Versus Kushal Pal Singh Rathaur	Respondent.
100.	With Appeal No.817/2022 Yamuna Expressway Industrial Development Authority	Appellant.
	Versus Jasvinder Singh Bhui	Respondent.
101.	With Appeal No.816/2022 Yamuna Expressway Industrial Development Authority	Appellant.
	Versus Amit Malik	Respondent.
102.	With Appeal No.848/2022 Yamuna Expressway Industrial Development Authority	Appellant.
	Versus Raj Kumar Goyal	Respondent.
103.	With Appeal No.477/2022 Yamuna Expressway Industrial Development Authority	Appellant.
	Versus Ashok Kumar Goyal	Respondent.
104.	With Appeal No.815/2022 Yamuna Expressway Industrial Development Authority	Appellant.
	Versus	

Ghanshyam Singh	Respondent.
105. With Appeal No.117/2023	
Yamuna Expressway Industrial Development Authority Versus	Appellant.
Keith Telecom Systems	Respondent.
106. With Appeal No.698/2022	
Yamuna Expressway Industrial Development Authority Versus	Appellant.
Shikha Ahuja	Respondent.
With <u>Other Appeals of Promoter</u>	
107. Appeal No.710/2022	
Yamuna Expressway Industrial Development Authority Versus	Appellant.
Kusum Lata	Respondent.
108. With Appeal No.711/2022	
Yamuna Expressway Industrial Development Authority Versus	Appellant.
Mukesh Ranjan	Respondent.
109. With Appeal No.806/2022	
Yamuna Expressway Industrial Development Authority Versus	Appellant.
Dr.Arindam Basu	Respondent.
110. With Appeal No.807/2022	
Yamuna Expressway Industrial Development Authority Versus	Appellant.
Neeraj Kumar	Respondent.
111. With Appeal No.203/2023	
Yamuna Expressway Industrial Development Authority Versus	Appellant.
Rekha Goyal	Respondent.
112. With Appeal No.204/2023	
Yamuna Expressway Industrial Development Authority Versus	Appellant.
Savita	Respondent.
113. With Appeal No.205/2023	
Yamuna Expressway Industrial Development Authority Versus	Appellant.
Shrikant Sharma	Respondent.
114. With Appeal No.206/2023	
Yamuna Expressway Industrial Development Authority Versus	Appellant.
Sandip Prakash	Respondent.

115.	With Appeal No.295/2023	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Dhiraj Jain		Respondent.
116.	With Appeal No.849/2022	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Vishnu Kumar		Respondent.
117.	With Appeal No.850/2022	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Lovlesh Sharma		Respondent.
118.	With Appeal No.851/2022	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Promod Kumar		Respondent.
119.	With Appeal No.478/2022	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Rakesh Agarwal		Respondent.
120.	With Appeal No.709/2022	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Kumar Vibhanshu		Respondent.
121.	With Appeal No.868/2022	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Deepali Arora		Respondent.
122.	With Appeal No.869/2022	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Deepti Arora		Respondent.
123.	With Appeal No.10/2023	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Amit Kumar		Respondent.
124.	With Appeal No.72/2023	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Manohar Thairani		Respondent.
125.	With Appeal No.119/2023	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	

Sharad Goyal	.....	Respondent.
	With	
126.	Appeal No.188/2023	
Yamuna Expressway Industrial Development Authority		Appellant.
	Versus	
Ashwani Kaushal	.....	Respondent.

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

1. Sri Prashant Chandra, learned Senior Advocate, assisted by Sri Prashant Kumar Singh and Sri H.G.S.Parihar, learned Senior Advocate, assisted by Sri Ankit Raj Chaudhary, are present in the appeals/cross appeals filed by YEIDA.
2. Sri Sanjay Bhasin, learned Senior Advocate, assisted by Ms. MahimaPahwa appears for the appeals of the allottees.
3. Sri Saghar Mehdi, Advocate is present for respondent in Appeal No.D204/2023. Ms. Surangama Sharma, Ms. Mahima Pahwa, Advocates, assisted by Ms.Jagriti Vashisht, Advocate are present for appellant in Appeal No.D326 of 2022 and as counsels for respondent in Appeal No.D72 of 2023. Sri Amit Srivastava, Advocate is present for respondent in Appeal No.D478 of 2022.
4. Heard Sri Sanjay Bhasin, Senior Advocate, assisted by Ms. Mahima Pahwa, learned counsel for the allottees and Sri Prashant Chandra, learned Senior Advocate, assisted by Sri Prashant Kumar as well as Sri H.G.S. Parihar, learned Senior Advocate, assisted by Sri Ankit Raj Chaudhary, learned counsels for Yamuna Expressway Industrial Development Authority (YEIDA/Promoter) on the applications for condonation of delay in the appeals and cross appeals filed by the allottees as well as YEIDA/Promoter.
5. These are 126 appeals out of which 55 appeals have been filed by the allottees, 51 cross appeals have been filed by the YEIDA (promoter) and 20 other appeals filed by the YEIDA (promoter). As there is delay in filing appeal in all the above mentioned appeals filed by the allottees and the promoter against composite orders dated 21.12.2021, 02.02.2022, 23.02.2022 and 23.05.2022 passed by the Regulatory Authority, therefore, on the request of learned counsel for the parties the applications for condonation of delay in filing the appeals were taken up together and are being disposed of by a composite order.

6. There are about 55 cases of allottees out of which in 6 cases there is delay of about 9 days, in two cases there is delay of 11 days and in one case i.e. Defective Appeal No.608/2022 there is delay of about 71 days.
7. For the sake of convenience, amongst the appeals of allottees, we take Appeal No.748/2022 (Raj Kumar Goyal Vs. Yamuna Expressway Industrial Development Authority) as lead case.
8. Submission of learned counsel for the applicant is that the impugned order dated 21.12.2021 passed by the Regulatory Authority was uploaded on the official website of RERA on 29.12.2021. The limitation for filing the appeal was upto 28.02.2022. The appeal was filed on 07.06.2022 with a delay of 97 days. Certified copy of the impugned order was applied on 03.02.2022 and the same was received on 21.02.2022.
 - 8.1 Further submission of learned counsel for the applicant is that due to pandemic Covid-19, the Hon'ble Supreme Court vide its order dated 23.03.2020 passed in Writ Petition (Civil) No. 03 of 2020 took suo moto cognizance of the difficulties being faced by litigants and passed the order extending the period of limitation prescribed under the general law or special laws w.e.f. 15.05.2020 till further orders which was extended from time to time.
 - 8.2 The Hon'ble Supreme Court vide order dated 10th January 2022 in the aforesaid writ petition was pleased to pass the following directions:--
 - "I. The order dated 23.03.2020 is restored in continuation of the subsequent orders dated 08.03.2021, 27.04.2021 and 23.09.2021, it is directed that the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi judicial proceedings.*
 - II. Consequently, the balance period of limitation as on 03.10.2021, if any, shall become available with effect from 01.03.2022.*
 - III. In cases where the limitation would have expired the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2022. In the event the actual balance period of limitation remaining, with effect from 01.03.2022 is greater than 90 days, that longer period shall apply.*
 - IV. It is further clarified that the period from 15.03.2020 till 28.02.2022 shall also excluded in computing the periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, Section*

12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period (s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings.”

- 8.3 Learned counsel for the applicant further submitted that in the light of the aforesaid order of Hon’ble Supreme Court the limitation for filing the appeal stands extended upto 29.05.2022.
- 8.4 Lastly the learned counsel for the applicant submitted that though the aforesaid appeal was prepared within the limitation as extended by the Hon’ble Supreme Court, there has been a delay of approximately one week in filing the appeal which occurred due to technical glitch in the counsel’s ID of the online portal and obtaining clear copies of the annexures. The delay in filing of appeal is neither deliberate nor intentional and the same is liable to be condoned.
9. We also examined the application for condonation of delay (IA 3240/2022) in Appeal No.608/2022 (Nidhi Chandra Vs. YEIDA) wherein there is delay of about 162 days and after giving the benefit of the aforesaid order of Hon’ble Supreme Court there is delay of 71 days. In this appeal the allottee/applicant, by filing better affidavit on 29.08.2022, has submitted in paras 7 to 14 as under:-
 - “7. *That though the aforesaid appeal was prepared within the limitation as extended by the Hon’ble Supreme Court, but when the counsel for the appellant was uploading the same on the online portal of the Hon’ble Tribunal, the case details of one Rashmi Agarwal were being displayed on the portal. A copy of the screenshot obtained by the counsel is being annexed as Annexure No.2 to this application.*
 8. *That the counsel informed the appellant then accessed the rera authority portal and found that in place of Nidhi Chandra the complainant, the details of Rashmi Agarwal were uploaded. A screenshot of the said complaint is being annexed as Annexure no. 3 to this application.*
 9. *That the appellant approached the learned Rera Authority on 6th June 2022 and reported the said issue and the inability to file the*

appeal due to the technical difficulty. The concerned officer sought 3 to 4 days' time to cure the said defect.

- 10. That when the said technical issue was not rectified within the time prescribed, the appellant made a representation to the Learned Secretary, Rera, Gautam Budha Nagar agitating her grievance. A copy of the representation dated 14.06.2022 is being annexed as Annexure no. 4 to this application.*
- 11. That on 12th July 2022, the appellant got a call from the learned Rera Authority, that another complainant namely Rashi Agarwal had inadvertently filed complaint in wrong details due to which the error occurred and that necessary directions have been issued by the learned Secretary, Rera Authority to the Deputy Secretary, IT Cell and the error shall be rectified within a week .*
- 12. That the rectification on the portal was done by the learned Rera Authority which was verified by the appellant on 21.07.2022. Thereafter the appellant gave instruction to the counsel to re-file the appeal.*
- 13. That the counsel for the appellant without any further delay, prepared fresh application for condonation of delay explaining the intervening period of preparation of appeal and filing of the same and the same is being filed without any further delay.*
- 14. That the delay in filing of Appeal, if any, is neither deliberate nor intentional but due to reasons as explained above."*

10. In rest of the appeals of the allottees, the reason for delay indicated by the learned counsel for the allottees/applicants is that on account of unreadable copy of allotment letter, he sought some time to file better copy of allotment letter, therefore the delay in filing the appeals occurred.

11. From the appeals filed by the YEIDA/Promoter we take Appeal No.296/2023 (YEIDA Vs. Samanvaya Goel) as lead case, wherein the following reasons have been shown for condonation of delay:-

- (i) That the impugned order dated 21.12.2021 was "uploaded on the website of the Learned UPRERA Authority on 29.12.2021 and the said*

appeal was filed on 07.09.2022 and the delay in filing the aforesaid appeal is explained below:-

- (ii) That the impugned order was passed on 21.12.2021 and had granted time for compliance up-to 31.05.2022 in respect of most of the directions which have been issued. It has been noticed that the Hon'ble Supreme Court had been pleased to grant relaxations in view of the COV:D-19 pandemic and notice has been taken that from 25.03.2020 to 25.09.2020 the delay stood condoned by the Hon'ble Supreme Court and as such for the said period between 25.03.2020 to 25.09.2020, the interest for the delay has been kept in abeyance. It has further been provided that in case of any overdues of the complainant, no interest shall be payable on the said amount as well.*
- (iii) That the order dated 21.12.2021, impugned in the aforesaid appeal had been passed in the middle of the on-going pandemic which was affecting the entire humanity and as the said pandemic was intermittently attacking, the normal functioning of the government and other organizations and even tempo of life had been thrown of gear. In order to maintain some of the essential services, most of the work was being performed virtually and practically no work was being done in the offices. It was on account of this that 21.12.2021 till the end of May 2022, till when the Hon'ble Apex Court had been pleased to extend the limitation and suspend all action limitation in respect whereof was expiring during this period, that the office of the Authority could not have any occasion to look into the effect of the order which had been passed during the period that the pandemic was affecting the normal functioning of all Departments in the Authority.*
- (iv) That after the passing of the orders by the Hon'ble Supreme Court finally providing that the benefit of limitation shall be expiring on 29.05.2022 that the normal functioning of the various Departments of the Authority gradually started taking place but with a definite constraint as the employees were not feeling very comfortable in view of the uncertainty, more particularly, the intermittent bouts of COVID-19 which had been affecting the general public in waves.*

- (v) *That as a large number of cases had accumulated during the period, the normal functioning of all the Departments of the Authority had been completely disrupted; and even after 29.05.2022 it had taken more than a couple of months for the normal functioning to be restored that was humanly impossible to sift all the files and take out the orders which were to be given effect to during the time that the wrath of the pandemic was subsisting.*
- (vi) *That as and when the files were traced, they were put up before the appropriate Department of the Authority initiating with the office dealing with the project so as to confirm the location etc. of the plots and upon confirmation, the file had to be sent to the Property Section to ensure that the details, as pleaded, are in conformity with the Scheme and after confirmation, as per the requirement of the Authority, the file had to be processed through the Administrative Department which is a requirement and cannot be dispensed with.*
- (vii) *That after the administrative clearance, the file is processed through the Finance Department in consultation with the Law Department and it is only thereafter that it is forwarded to the lawyers for filing an appeal, in case it is decided that the interest of the Authority requires filing of an appeal, in public interest and in the interest of the Authority. It may be submitted that it is not in all cases that a decision is taken to file an appeal and only in cases where it is felt that an unnecessary burden is thrust upon the Authority, in violation of the terms and conditions as well as against the equity coupled with the necessity together the resources for the completion of the project for the benefit of the allottees, that the decision to file the appeal is taken. In the present case and in the connected cases in which the decision was rendered on and around 21 .09.2021 after examining each and every case on its own merit and following the procedure as indicated hereinabove, a decision had been taken to file an appeal as it was felt that it was absolutely imperative for the sustenance of the Scheme and its completion without any further delay. In the process some delay has occurred which was absolutely inevitable and the said delay is not at all intentional and is, bonafide and is liable to be condoned.”*

12. There are 51 defective appeals/cross appeals filed by YEIDA/Promoter. The maximum delay in the appeals filed by the YEIDA/Promoter is of 298 days in Appeal No. 219/2023 (YEIDA Vs. Upasana Gupta) and the minimum delay is of 39 days in Appeal No.296/20232 (YEIDA Vs. Samanvaya Goel).
13. Sri Saghar Mehdi, learned counsel for the respondent in Appeal No.D-204/2023 (YEIDA Vs. Savita) vehemently orally opposed the application for condonation of delay. He also submitted that he has uploaded his objections to the application for condonation of delay. On perusal of the portal it was found that some documents have been uploaded by the respondent under the heading 'objection' but on opening the 'objection' it is found that there is no objection therein and orders of Regulatory Authority and Recovery Certificate have been uploaded in place of objection.
14. In the instant bunch of defective appeals arising out of 4 composite orders the challenge by the allottees and promoter is to the impugned orders with respect to findings and directions on issue nos. 2 and 4, therefore, even if delay is condoned in one defective appeal of YEIDA, the issue would require to be examined in its entirety which may affect not only the present parties, but may also affect other allottees. Therefore, looking into the peculiar facts and circumstances of the instant case and issues as well as finding of the composite orders, which is being challenged by the allottees and Promoter/ YEIDA, we deem it proper to condone the delay and examine the issues on merit in the larger interest of the parties.
15. Accordingly, the applications for condonation of delay in all the defective appeals and cross appeals filed by the Promoter/YEIDA are allowed and the delay in filing the appeals are condoned. **The Registry is directed to convert these defective appeals into regular appeals.**
16. With the consent of the parties, now we proceed to hear the matter on merit. Sri Sanjay Bhasin, Senior Advocate, assisted by Ms. Mahima Pahwa Advocate, has concluded submissions on behalf of the allottees.
17. On the request of Sri Prashant Chandra and Sri H.G.S. Parihar, learned Senior Advocates, put up/list these Appeals tomorrow i.e. **10.08.2023** as first case.

Dated: 09.08.2023
Shukla/Shakir

(K. K. Jain)

(D. K. Arora)