

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-55/2024

U.P. AWAS EVAM VIKAS PARISHAD

.....Appellant

Versus

ANITA SINGHANITA SINGH

.....Respondent

Counsel for Appellant

ANURAG SINGH

Counsel for Respondent

HARISH PANDEY

Hon'ble Mr. Justice Suneet Kumar, Chairman

Hon'ble Mr. Sanjai Khare, Judicial Member

Hon'ble Mr. Rameshwar Singh, Administrative Member

(Application for condonation of delay in filing appeal)

Case taken up from the revised cause list.

Sri Anurag Singh along with Sri Harit Mishra, learned counsels for appellant are present. Sri Harish Pandey, learned counsel has put in appearance on behalf of respondent/allottee.

Present applicant seeks condonation of 178 days' delay in instituting the appeal. The explanation furnished by the applicant is that due to delay in preparation of appeal, the appeal could not be filed timely. It is further submitted that the impugned order is wholly without jurisdiction and the same cannot be executed being a nullity in the eye of law. Learned counsel for respondent does not oppose delay condonation application.

Cause shown is good and sufficient.

Accordingly, application for condonation of delay is allowed and the delay in filing the instant appeal is condoned.

Order on appeal

The appeal is directed against the order dated 24.08.2022, passed by the learned Adjudicating Officer (A.O.) arising from Complaint No. ADJ/LKO162/12/87003/2021, wherein, it has been directed to pay delayed interest in the form of compensation to the respondent/allottee.

It has not been disputed by learned counsel for respondent that the respondent/allottee has continued in the project, therefore, he fairly submits that in view of the decision of this Tribunal in the case of **U.P.Avas Evam Vikas Parishad Vs. U.P.Rera and others, Appeal No.54 of 2024, decided on 12.06.2024**, the impugned order is without jurisdiction, learned A.O. would lack jurisdiction on the subject matter. In view thereof, learned counsel for respondent submits that the respondent would be satisfied in the event the respondent is granted liberty to prefer a complaint before the competent forum seeking delay interest of the project.

Accordingly, the appeal is **allowed**. The impugned order dated 24.08.2022, passed by the Adjudicating Officer is set aside and quashed. The respondent/allottee is granted liberty to approach the appropriate forum by filing complaint for his grievance, if so advised.

It is provided that in the event complaint is instituted within eight weeks from the date of uploading of this order on the portal, in that event it is expected that the learned RERA Authority shall decide the complaint on merit, expeditiously, preferably within four months after due opportunity to the appellant and any other contesting party.

(Rameshwar Singh)

(Sanjai Khare)

(Suneet Kumar)

Dated: 26.11.2024

IRFAN