

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-115/2024

MAMTA GUPTA AND PRAVIR KUMAR GUPTA

.....Appellant

Versus

U.P. STATE INDUSTRIAL DEVELOPMENT CORPORATION
LIMITED

.....Respondent

Counsel for Appellant
DEEPAK DWIVEDI

Counsel for Respondent
SUCHITA SINGH

Hon'ble Mr. Justice Suneet Kumar, Chairman

Hon'ble Mr. Devindar Singh Chaudhry, Technical Member

Heard Sri Deepak Dwivedi, learned counsel for appellant and Mrs. Shuchita Singh, learned counsel for respondent.

The appellant/applicant by the instant application IA No.1056/2024 is seeking condonation of 257 days' delay in instituting the appeal against the impugned order. The impugned order came to be passed on 27.04.2023, which was uploaded on the RERA portal on 09.05.2023. Appeal came to be instituted on 26.03.2024.

Learned counsel for appellant submits that the appellant did not know that within how many days of receiving order from UP RERA he has to file an appeal but when he met his lawyer he was informed that after passed of the impugned order the appeal should have been filed within 60 days. It is further submitted that an application for obtaining certified copy was filed by the applicant on 26.10.2023 and certified copy of order was received by him on 04.01.2024 after 70 days. Thereafter legal opinion was taken.

Learned counsel for respondent has filed objections denying the averments made in the affidavit filed by the appellant applicant in support of application for condonation of delay. Learned counsel for respondent submits that the appellant failed to provide sufficient and cogent explanation for delay of 257 days in filing

the appeal. She further submits that mere ignorance of law does not constitute a valid or sufficient ground for condoning the delay, therefore, present application for condonation of delay is liable to be rejected and the appeal is liable to be dismissed.

We have carefully perused the averments made in the affidavits filed in support of delay condonation application, the appellant has not made a whisper in the affidavit explaining the delay. The application is devoid of any sufficient cause whatsoever. In the circumstances we find that the delay in instituting the appeal is willful and deliberate and not bonafide.

According, the application for condonation of delay IA No.1056/2024 is **rejected**.

Consequently, the Appeal No. D115 of 2024 is **dismissed**.

(Devindar Singh Chaudhry)

(Suneet Kumar)

Dated: 29.07.2025
IRFAN