

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 1

APPEAL-14/2022

NEETU SANJAY GANGWAR

.....Appellant

Versus

LUCKNOW DEVELOPMENT AUTHORITY

.....Respondent

Counsel for Appellant

Counsel for Respondent

ABHINAV SINGH

SHASHANK SINGH

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

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

Shri Shashank Singh, Advocate is present on behalf of the applicant. No one is present on behalf of the respondent.

The ordersheet reveals that vide order dated 23.03.2022, taking into consideration that despite service through dasti summons, no one is present on behalf of the respondent, the service on the respondent was treated as sufficient. While granting further time to the respondent for sending objections, it was made clear that if no objection is filed or no one appears on the next date of listing, the matter may proceed ex-parte against the respondent.

At this stage, it is relevant to observe that as per the present e-filing system of the Tribunal, the moment when any appeal is uploaded, an auto-generated link goes on the email IDs of the parties registered with the RERA. Similarly, all orders/documents are being uploaded and a link is generated and goes to the parties and parties can download the memo of appeal alongwith annexures, orders or any other document. Therefore, from the very first day when the appeal is uploaded on the e-portal, the information is available with the respondent through the email address registered with RERA and it cannot be said that the respondent is unaware about the pendency of the present proceedings.

As the copy of the memo of appeal was initially sent to the respondent through auto generated link immediately when applicant uploaded the same and subsequently, every order is being sent to the respondent through auto generated link immediately when it gets uploaded. The respondent was also served through

dasti summons on 28.01.2022, therefore, we are left with no other option but to proceed ex-parte against the respondent.

On the request of learned counsel for the applicant, we proceed to examine the application for condonation of delay.

Learned counsel for the applicant, after arguing at some length submitted that he may be granted some time to place the order of Hon'ble Supreme Court passed from time to time **In Re: Suo Moto Writ (Civil) Petition No. 3/2021 titled as In Re: Cognizance for Extension of Limitation.**

Appreciating the request of learned counsel for the applicant, list this case for consideration of application for condonation of delay and hearing on **18.04.2022.**

(K.K. Jain)

(D.K. Arora)

Dated: 13.04.2022
GAURAVSRI