

THE U.P. REAL ESTATE APPELLATE TRIBUNAL, LUCKNOW

Division Bench Court No. 2

APPEAL-106/2022

SUMAN YADAV

.....Appellant

Versus

**KANPUR DEVELOPMENT AUTHORITY KANPUR DEVELOPMENT
AUTHORITY**

.....Respondent

Counsel for Appellant

Counsel for Respondent

SAMRAT VAISH

KAVIYA SINGH

Hon'ble Mr. T.B. Singh, Judicial Member

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

Case called on.

Counsel Miss Sumedha Mahajan holding brief of counsel Sri Samrat Vaish on behalf of applicant/appellant, and counsel Sri Bhupendra Singh on behalf of opposite party appeared.

Counsel Sri Bhupendra Singh submitted that he has filed his Vakalatnama in this case yesterday.

Heard on the delay condonation application against which no written objection has been filed by the counsel for the opposite party stating that the matter is squarely covered with verdict given by the Hon'ble Apex Court regarding COVID-19 pandemic.

Without going into depth of contents of limitation application, it is obvious that impugned order relates to 02.06.2021 and the same was uploaded on official website of Regulatory Authority on 07.07.2021, thereafter the instant appeal was filed on 14.01.2022 after a delay of approximately 128 days in view of Section 44(2) of the Act.

It is well known that the COVID-19 period was effective during the period from 15.03.2020 to 28.02.2022 and in view of judgment passed by Hon'ble Apex Court in *Suo Moto Writ (C) No. 3 of 2020* relaxation has been granted to all the litigants preferring suit, appeal or legal proceedings in the Courts/Tribunals.

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

Counsel for the opposite party is directed to file reply to the grounds of appeal, and copy of the same will be sent on the respective e-mail addresses of the appellant and her counsel.

List this appeal on **09.05.2022** for further order.

(K.K. Jain)

(T.B. Singh)

Dated: 01.04.2022
PRADEEPKUMAR