

TELANGANA REAL ESTATE APPELLATE TRIBUNAL: HYDERABAD

Krishna Hostel, First Floor, Dr. MCR HRD Institute Campus, Road No.25,
MP & MLAs Colony, Jubilee Hills, Hyderabad-500 033.

CORAM: Hon'ble Sri Justice A. Santhosh Reddy, Chairperson.
Hon'ble Sri P. Pradeep Kumar Reddy, Judicial Member.

I.A.No. 01 of 2026 in A.R.No. 15 of 2026

Between:

Rajesh Rayi, represented by GPA Holder
B.Linga Babu, S/o B.Prasad Raju,
R/o Janapriya Nile Valley,
2817, Ameenpur, Sangareddy- 500 049

...Petitioner/ Appellant/ Complainant

AND

1. Telangana Real Estate Regulatory Authority
Represented by its Secretary,
DTCP Buildings, Ground Floor, 6409,
AC Guards, Masab Tank, Opp PTI Building
Hyderabad - 500 004.

...Respondent

2. M/s Janapriya Townships Private Limited,
Keerthi Pride Towers, 3rd & 5th Floor, Road No.2,
BanjaraHills, Hyderabad- 500 034.

...Respondent/Promoter

Counsel for petitioner/appellant : Mr.P.B.V.Koteshwar Rao

Counsel for Respondent No.2 : Mr.A.Tulsi Raj Gokul

Date of Decision : 23.06.2026

ORDER: *(Per Hon'ble Sri Justice A. Santhosh Reddy)*

Petitioner/appellant/complainant filed the aforesaid application under Section 5 of the Limitation Act, 1963 seeking to condone the delay of 82 days in preferring the appeal.

2. In the affidavit filed in support of the application, it is stated by the petitioner that he filed the present appeal against the Order, dated 13.10.2025, passed by the 1st respondent/Telangana Real Estate Regulatory Authority, Hyderabad (for short 'the Regulatory Authority') in Complaint No.289 of 2024. It is stated that he was residing in the United States of America for the purpose of employment and was, therefore, unaware of passing of the Order, dated 13.10.2025, by the 1st respondent herein. He has not received a copy of the Order through post or any other means and that he gained knowledge of the passing of the Order only when his colleague enquired about the status of the case with the Registry of the 1st respondent herein in the month of December, 2025. It is further stated that he has faced significant logistical challenges in coordinating legal action from abroad, where it necessitated the execution of a Power of Attorney to authorize a representative and also engaging a Counsel to represent his case before the 1st respondent and thus there was a delay of

82 days in filing the appeal. It is further stated by the petitioner that the delay is neither willful nor deliberate, but it is due to the circumstances beyond his control. It is further stated that he has a strong case on merits and if the delay is not condoned, he will suffer irreparable loss and injury.

3. In the Counter-affidavit filed on behalf of the 2nd respondent, it is stated that in the present era of electronic communication, virtual hearings, email correspondence and online access to judicial and quasi-judicial proceedings, the petitioner cannot take shelter under the plea of being outside India and the petitioner has deliberately failed to disclose material particulars regarding his alleged absence from India. No document whatsoever has been filed to establish his travel details, employment particulars, date of departure, date of return or any circumstances that allegedly prevented him from prosecuting the matter diligently. Further, the plea that the petitioner was unaware of the Order till December, 2025 is equally false and unbelievable since the affidavit is conspicuously silent regarding the exact date on which such knowledge was acquired. The petitioner has not disclosed whether he had furnished his email address, contacted details or authorized any representative before the Regulatory Authority and in the absence of any supporting material, the plea remains a mere assertion incapable of constituting

sufficient cause. It is further stated that the petitioner has failed to explain the day-to-day delay and the affidavit contains only general and omnibus statements without furnishing any particulars whatsoever. It is further stated that the rights accrued in favour of respondent No.2 by virtue of the expiry of limitation constitute valuable rights which cannot be lightly disturbed in the absence of a convincing and legally sustainable explanation and that entertaining such stale claims would defeat the very object of law of limitation and cause serious prejudice to respondent No.2.

It is further stated that the petitioner has utterly failed to establish any sufficient cause warranting exercise of discretionary jurisdiction under Section 5 of the Limitation Act and, therefore, it is prayed that the application for condonation of delay is liable to be dismissed.

4. Learned Counsel for the petitioner/appellant submitted that the delay of 82 days in preferring the appeal by the petitioner is neither willful nor wanton, but it is due to the circumstances beyond his control and, therefore, the Courts should adopt a liberal and justice-oriented approach while dealing with the applications for condonation of delay. He has further submitted that length of delay is no matter, acceptability of the explanation is the only criterion. He has further submitted that if this Tribunal does not condone the delay, the petitioner will be deprived of

his lawful rights which cannot be compensated by any other means and as such the delay of 82 days in filing the appeal may be condoned.

5. Learned Counsel for respondent No.2 submitted that it is not the length of delay that would be required to be considered while examining the plea for condonation of delay, it is the cause for delay which has been propounded will have to be examined. He has further submitted that if the cause shown is insufficient, irrespective of the period of delay, the same would not be condoned. He has further submitted that the conduct of the petitioner clearly demonstrates lack of diligence and absence of *bona fides* and in support of the said contention, he relied on a decision of the Hon'ble Supreme Court in *Basawaraj Vs. Special Land Acquisition Officer*¹, wherein it was held that sufficient cause means a cause beyond the control of the party invoking the aid of the statute and that negligence, inaction or lack of *bona fides* cannot be condoned. He has also relied on a decision of the Hon'ble Apex Court in *P.K.Ramachandran Vs. State of Kerala*², wherein it was held that the law of limitation has to be applied with all its rigour and that Courts have no power to extend limitation on equitable grounds where sufficient cause is not shown.

¹ (2013) 14 SCC 81

² (1997) 7 SCC 556

6. We have heard the learned Counsel appearing for the parties and have gone through the entire material placed on record as well as the case laws relied on by them.

7. The point that arises for consideration in this application is as under:

“Whether the petitioner/appellant is able to establish ‘sufficient cause’ for condonation of delay of 82 days in filing the appeal?”

POINT ::

8. This Tribunal is empowered to entertain any appeal after the expiry of 60 days if it is satisfied that there was sufficient cause for not filing it within that period under Section 44 (2) of the Real Estate (Regulation and Development) Act, 2016 (for brevity ‘the Act’).

9. The Hon’ble Supreme Court in a myriad of pronouncements has enunciated the principle that a liberal approach is to be taken while construing the term ‘sufficient cause’. The expression ‘sufficient cause’ shown is adequately elastic to enable the Tribunal to apply the law in a meaningful manner which subserves the ends of justice.

10. Petitioner/appellant filed the appeal against the order, dated 13.10.2025, passed by the learned Regulatory Authority in Complaint No.289 of 2024. As per provisions of Section 44 (2) of the Act, the appeal

should have been filed within 60 days from the date of receipt of a copy of the order. However, the petitioner filed the appeal with a delay of 82 days. It is axiomatic that condonation of delay is a matter of discretion of the Court. Section 5 of the Limitation Act does not say that such discretion can be exercised only if the delay is within a certain limit. Length of delay is no matter; acceptability of the explanation is the only criterion. The primary function of a Court is to adjudicate the dispute between the parties and to advance substantial justice. Rules of limitation are not meant to destroy the rights of the parties, they are meant to see that parties do not resort to dilatory tactics, but seek their remedy promptly.

11. A Court know that refusal to condone delay would result in foreclosing a suitor from putting forth his cause. There is no presumption that delay in approaching the Court is always deliberate. The Hon'ble Supreme Court has held that the words 'sufficient cause' under Section 5 of the Limitation Act should receive a liberal construction so as to advance substantial justice in *Shakuntla Devi Jain Vs. Kuntal Kumari*³ and in *State of W.B. Vs. Administrator, Howrah Municipality*⁴.

³ AIR 1969 S.C. 575

⁴ AIR 1972 SUPREME COURT 749

12. In the instant case, the petitioner/appellant stated that he was residing in the United States of America for the purpose of employment and was, therefore, unaware of the passing of the Order dated 13.10.2025 passed by the 1st respondent and he came to know about the passing of the said Order in the month of December, 2025 and that substantial time was consumed in executing a Power of Attorney and also engaging a Counsel to represent his case before the 1st respondent. In view of the said reasons, the petitioner could not approach the advocate in time to file the appeal and thus there was a delay of 82 days in filing the appeal. It is further stated by the petitioner that the delay is neither willful nor deliberate, but it is due to the circumstances beyond his control. Therefore, we are of the considered view that the explanation offered by the petitioner/appellant is found satisfactory and convincing. The Hon'ble Apex Court in various judgments have held that an opportunity of hearing should be given and the hearing should not be shut down and it is also settled that liberal, pragmatic, justice oriented and non-pedantic approach should be taken by the Courts concerned while dealing with the applications for condonation of delay so as to advance substantial justice and generally delays in preferring the appeals are required to be condoned.

13. In the light of aforesaid facts and circumstances of the case and in view of the parameters laid down by the Apex Court in the aforementioned decisions, this Tribunal finds it just and reasonable to condone the delay of 82 days in preferring the appeal against the Order, dated 13.10.2025, passed by the 1st respondent/Telangana Real Estate Regulatory Authority, Hyderabad, in Complaint No.289 of 2024.

14. Accordingly, I.A.No.1 of 2026 in A.R.No.15 of 2026 is allowed and the delay of 82 days in preferring the appeal is hereby condoned. Registry is directed to number the appeal, if otherwise in order.

Registry is hereby directed to transmit a copy of this order to the learned Regulatory Authority and the parties.

Sd/-

A. SANTHOSH REDDY, J
(CHAIRPERSON)

Sd/-

P. PRADEEP KUMAR REDDY
(JUDICIAL MEMBER)

23.06.2026
GSN.