

IN THE ANDHRA PRADESH REAL ESTATE APPELLATE TRIBUNAL AT AMARAVATI

TUESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY SIX

CORAM :

THE HON'BLE SRI JUSTICE M. GANGA RAO, CHAIRPERSON
AND
THE HON'BLE SRI RAMACHANDRA REDDY MANDALAPU, MEMBER (J)

I.A.No.1 of 2026
In
APPEAL REGISTRATRION No.7/2026
(against Complaint No.35/2024)

Between:

AIRMID Real Estate Limited,
Having its registered office at
M-62 & 63, First Floor Connaught Place,
New Delhi – 110 001.
Rep. by its Authorized Signatory Banna Harikrishna,
S/o. (Late) Banna Vaikuntam,
aged 41, presently working as
Senior customer relationship manager.

... Appellant/Petitioner

AND

1. Alok Mazumdar, S/o. Shri Mahabir Mazumdar,
R/o. 202, Palm Beach Apartment, Opp: YMCA, Kirlampudi Layout,
Visakhapatnam-530 017, A.P.,

2. The Andhra Pradesh Real Estate Regulatory Authority,
At Amaravati. Rep. by its Director/Authorized Officer.

... Respondents/ Respondents

APPEARANCE:

For Appellant : Sri Kaikala Rama Kireeti, Advocate

For Respondent No.1 : Sri Koneru Prabhakara Rao, Advocate

For Respondent No.2 : Sri Polisetty Bala Venkata Koteswara Rao, SC for AP RERA

PRAYER : Application filed under Section 44(1) of the Andhra Pradesh Real Estate (Regulation and Development) Act, 2016 before this Tribunal praying to

- a) Allow the appeal and set aside or suitably modify the order dated 12-05-2025 passed by the Andhra Pradesh Real Estate Regulatory Authority, Vijayawada, in Complaint No.35 of 2024, insofar as it relates to the direction to pay interest @ 11% per annum calculated from the date of deposit;
- b) To set aside the direction awarding legal expenses of Rs.10,000/- to the Complainant/Respondent, as the Hon'ble Authority does not have the jurisdiction to grant such an award.
- c) Hold that the Appellant, being ready and willing to hand over possession of the subject unit forthwith, is not liable to pay interest for the period beyond such readiness, and that interest, if at all payable, shall be restricted only to a specifically identified and legally justifiable period;
- d) Stay the operation and implementation of the interest portion of the impugned order pending disposal of the present appeal.

PRAYER IN IA.No.1/2026 : Application filed before this Tribunal praying to consider the Condonation of delay of 196 days in presentation of the Appeal, against Order dated 12-05-2025 passed by the Andhra Pradesh Real Estate Regulatory Authority, Vijayawada in Complaint No.35 of 2024, and permit the Appellant to file the Appeal along with delay.

The Tribunal made the following:

ORDER:

Contd.....

I.A.No.1/2026
IN
APPEAL REGISTRATION No.7/2026
(against Complaint No.35/2024)

(Oral Order as per Hon'ble Sri Justice M. Ganga Rao, Chairperson)

1. The Petitioner/Appellant filed IA.No.1/2026 along with Appeal Registration No.7/2026 to condone the delay of 196 days in preferring the Appeal against the order dated 12-05-2025, passed in Complaint No.35/2024, by the Andhra Pradesh Real Estate Regulatory Authority, Vijayawada (for brevity hereinafter called as "the Authority").
2. This condonation delay petition filed without mentioning any provision under which this petition is filed to condone the delay of 196 days. It appears this petition have been filed under the provisions of Section 44(2), proviso of the RERA Act. The petitioner states that, the delay in filing the present appeal is neither intentional nor deliberate. Immediately upon receipt of the impugned order dated 12-05-2025, with utmost respect to the directions of the Authority, initiated steps to comply with the order by making efforts to hand over possession of the subject unit to the respondent and to amicably resolve the matter without invoking appellate proceedings. 

3. The petitioner/appellant further states that sincere attempts were made to settle the dispute by offering possession and engaging in discussions with the respondent, in the bonafide belief that the issue could be resolved mutually and to avoid unnecessary litigation. However, despite such efforts, the said attempts did not fructify and the matter could not be settled amicably, compelling the petitioner to invoke the appellate remedy.
4. The petitioner/appellant further states that the impugned order forms part of a batch of similar matters involving the same project, and the decision to prefer appeals required internal evaluation and approvals at multiple levels within the organization. During this period, there was also a change in key managerial personnel, which necessitated additional time for review of records and for obtaining appropriate authorization to proceed with the appeal. The time consumed in the aforesaid process was purely procedural and administrative in nature and was occasioned without any malafide intention or negligence. At no point of time the appellant did act in a manner showing disregard to the order of the Authority or an intent to delay the proceedings. The delay of 196 days occurred, unintentional and arose due to circumstances beyond the control of the appellant and which is bonafide and no prejudice would be caused to the respondent, if the delay is condoned. If the Appeal is rejected on technical grounds without adjudication on merits, the

petitioner will suffer grave and irreparable loss and prays to condone the delay.

5. The respondent in the delay condonation petition filed counter, explaining the merits of the case and further states that the petitioner miserably failed to present their case to the satisfaction of this Tribunal so as to condone the delay. The application didn't specify any valid and substantial legal ground. The application also was not on merits and not a fair case to be considered. It is further stated that the Authority have already passed Execution Orders in EP.No. nil of 2025 in CP.No.35 of 2024, dated nil, and the said order need to be implemented as per the enforcement provisions under Section 40 r/w Rule 27 of the AP RERA Rules, 2027. The petitioner intention is to stall or delay the enforcement proceedings without explaining any valid and substantial grounds. The petitioner conveniently allowed to pass time equal to three (3) times the statutory period specified for disposal of an Appeal. The Appeal is preferred with a delay of 196 days. It only after noticing that the EPs are likely to be passed against them filed the present appeal. If this inordinate and unexplained delay is condoned, it will not only cause further delay in execution of the Orders of the Authority, but also delay the enforcement of the orders in Execution of the Authority Orders. The inordinate delay in preferring the appeal cannot be viewed liberally, but to be examined strictly in line with the statutory 

duty cast on the Tribunal through the mandate as specified by the time specific disposal of the complaints and appeals as provided in the RERA Act. The discretionary power vested on the tribunal not only to advance justice but deliver complete justice. If the inordinate and unexplained delay is condoned, it will cause irreparable damage, irrecoverable financial loss and put this respondent to continuous litigation and mental agony and stress.

6. Sri Kaikala Rama Kireeti, Counsel for the petitioner/appellant would contend that this Tribunal has power and authority to condone the delay under the provisions of Section 44(2) of the RERA Act, 2016 for the sufficient cause shown to the satisfaction of this Tribunal. The petitioner/appellant has initiated steps to comply with the order by making efforts to hand over possession of the subject unit to the respondent and to amicably resolve the matter without invoking appellate proceedings. In fact, the respondent/complainant was put in possession of the unit. The petitioner made sincere efforts to settle the dispute with regard to the payment of the interest/compensation as per the impugned orders dated 12-05-2025 of the Authority and made efforts to resolve the issue mutually and avoid unnecessary litigation. The Authority disposed of batch of similar matters in respect of the same project. The decision to implement the orders and to prefer the appeals required internal evaluation and approvals at multiple levels within the organization. During this period, there 

was also a change in key managerial personnel, which necessitated additional time for review of records and for obtaining appropriate authorization to proceed with the appeal. The delay is purely procedural and administrative in nature and was occasioned without any malafide intention or negligence. The petitioner has not resorted to any dilatory tactics to postpone the implementation of the orders. He further states that petitioner/appellant has good grounds for the appeal being allowed. If the delay is not condoned and heard the appeal on merits, the petitioner will be put to grave and irreparable loss and injury. If the delay is condoned and appeal is heard on merits, no prejudice would be caused to the respondents. He also places his reliance on the decision of the Hon'ble Supreme Court of India in the case of N. Balakrishnan Vs. M. Krishnamurthy in Civil Appeal Nos.4575-76 of 1998, dated 03-09-1998 reported in MANU/SC/0573/1998. In another case of S. Ganesharaju (D) through L.Rs. and Others Vs. Narasamma (D) through L.Rs. and Others in Civil Appeal No.3306 of 2012, dated 27-03-2012 reported in MANU/SC/0379/2012. He also relied on the judgement of the Hon'ble Supreme Court of India in the case of Collector, Land Acquisition, Anantnag and Others Vs. Katiji and Others in Civil Appeal No.460 of 1987, dated 19-02-1987 reported in MANU/SC/0460/1987. He contended that the petitioner has shown the contentions, sufficient cause is for the delay and satisfactorily 

explained to the Tribunal. The Tribunal in exercise of its discretionary power needs to be condoned the bonafide delay liberally in preferring the Appeal.

7. Per contra, Sri Koneru Prabhakara Rao, Counsel for the respondent while reiterating the averments of the counter, emphatically contended that the petitioner failed to explain the sufficient cause to condone the delay of 196 days in preferring the appeal. If this inordinate and unexplained delay is condoned, it will not only cause further delay in execution of the Orders of the Authority, but also delay the enforcement of the orders of the Authority.
8. The discretionary power vested in the Tribunal has to be exercised not only to advance justice but deliver complete justice. If the inordinate and unexplained delay is condoned, it will cause irreparable damage, irrecoverable financial loss and put this respondent to continuous litigation and mental agony and stress. In support of his contentions, he placed his reliance on the judgement of the Hon'ble Supreme Court of India in the case of Property Company Private Limited Vs. Rohinten Daddy Mazda in Civil Appeal No.92 of 2026 reported in 2026 (4) SCC 1. He submits that, the Tribunal should carefully inspect and scrutinize the scheme of the Act and the intention of the legislature before exercising the power to extend the time or condone the delay by the quasi-judicial bodies 

or tribunals and the exercise of the power must be rooted in vigilance and not haste.

9. We have considered the submissions of the Counsel for the petitioner/appellant and the contesting respondent, have considered the facts and circumstances of the case and perused the record.
10. The contention of the respondent Counsel, the appeal is preferred with delay petition, only after the Authority passed Orders in the Execution Petitions is unsustainable as no details of the orders passed by the Authority in the Execution Petition are placed before this Tribunal. Hence, the said contention is devoid of any merits and liable to be rejected.
11. The contention of the petitioner is that the Authority disposed of batch of similar matters in respect of the same project. The decision to implement the orders and to prefer the appeals required internal evaluation and approvals at multiple levels within the organization. During this period, there was also a change in key managerial personnel, which necessitated additional time for review of records and for obtaining appropriate authorization to proceed with the appeal. The delay is purely procedural and administrative in nature and was occasioned without any malafide intention or negligence. The petitioner has not resorted to any dilatory tactics to postpone the implementation of the orders. He further states that 

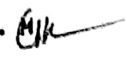
petitioner/appellant has good grounds for the appeal being allowed. If the delay is not condoned and heard the appeal on merits, the petitioner will be put to grave and irreparable loss and injury. If the delay is condoned and appeal is heard on merits, no prejudice would be caused to the respondents, would weigh with this Tribunal and found to be 'sufficient cause'.

12. In another case of S. Ganesharaju (D) through L.Rs. and Others Vs. Narasamma (D) through L.Rs. and Others in Civil Appeal No.3306 of 2012, dated 27-03-2012 reported in MANU/SC/0379/2012. In the case, the Hon'ble Supreme Court observed that,

"14. The expression "sufficient cause" as appearing in Section 5 of the Indian Limitation Act, 1963, has to be given a liberal construction so as to advance substantial justice.

15. Unless Respondents are able to show malafide in not approaching the court within the period of limitation, generally as a normal rule, delay should be condoned. The trend of the courts while dealing with the matter with regard to condonation of delay has tilted more towards condoning delay and directing the parties to contest the matter on merits, meaning thereby that such technicalities have been given a go-by.

16. Rules of limitation are not meant to destroy or foreclose the right of parties. They are meant to see that parties do not resort to dilatory tactics but seek their remedy promptly.

17. We are aware of the fact that refusal to condone delay would result in foreclosing the suitor from putting forth his cause. There is no presumption that delay in approaching the court is always deliberate. 

18. In fact, it is always just, fair and appropriate that matters should be heard on merits rather than shutting the doors of justice at the threshold. Since sufficient cause has been defined, thus, the courts are left to exercise a discretion to come to the conclusion whether circumstances exist establishing sufficient cause. The only guiding principle to be seen is whether a party has acted with reasonable diligence and had not been negligent and callous in the prosecution of the matter. In the instant case, we find that Appellants have shown sufficient cause seeking condonation of delay and same has been explained satisfactorily.”
13. We have carefully considered the law laid down by the Hon'ble Supreme Court of India and the Hon'ble High Court of Andhra Pradesh on the decisions reliance placed by the learned counsel for the petitioner/appellant and respondent, wherein the Hon'ble Supreme Court based on the factual matrix of the case, held that while considering applications for condonation of delay, 'sufficient cause' for the delay needs to be considered to do substantial justice, the court has to adopt liberal, justice oriented approach in determining the 'sufficient cause'. The principle on which the court refuses relief on the ground of laches and delay is that the rights accrued to others by the delay in filing the petition should not be disturbed, unless there are justifiable reasons for the delay, because court should not harm innocent parties if their rights had emerged on the delay on the part of the petitioner. Unreasonable delay could not be condoned. The reasons for the 196 days delay are 

satisfactorily explained to this Tribunal. We see no negligence on the part of the petitioner.

14. The provisions of Section 44(2) and proviso enable the Tribunal to entertain the Appeal after expiry of 60 days. If it is satisfied that there was sufficient cause for not filing the appeal within that period.

(i) The Tribunal could entertain the appeal filed even after expiry of 60 days. If it is satisfied that there is a sufficient cause for not filing the appeal within the prescribed period by condoning the delay.

(ii) The Tribunal has to exercise its discretionary power given under the provision of law judiciously. The petitioner/appellant has shown sufficient cause for filing the appeal with delay to enable the Tribunal to condone the delay of 196 days and to do substantial justice. That is the precise reason why elastic expression, sufficient cause is implied in the provision of law so as to subserve the end of justice.

15. Hence, when substantial justice and technical considerations are pitted against each other, cause of substantial justice has to be preferred to that of the technicalities in as much as, no party can ever claim a vested right, when injustice is being done, all due to delay in approaching the Court by the other party. Considering the

submissions of the petitioner/appellant, we found that there is no negligence on the part of the petitioner/appellant in filing the appeal with a delay of 196 days and the delay is sufficiently explained. We have satisfied with the sufficient cause explained in the petition for the delay. For the reasons stated above, the delay of 196 days is condoned. However, the petition is Allowed, with the cost of Rs.5,000/- (Rupees Five Thousand Only) payable to the respondent No.1, within a period of two (2) weeks or deposit the costs in the Tribunal by way of Demand Draft drawn in favour of 'The Registrar, Andhra Pradesh Real Estate Appellate Tribunal at Amaravati', payable to the respondent.

16. Accordingly, the Registry is directed to number the Appeal Registration No.7/2026, if it is otherwise in order and post the Appeal for admission in its turn.

Sd/- G.RAMA KRISHNA,
REGISTRAR

// True Copy //

M. 
SECTION OFFICER 16/7/26

1. The Director/Authorized Officer, Andhra Pradesh Real Estate Regulatory Authority, AP CRDA Buildings, Amaravati.
2. One CC to Sri Kaikala Rama Kireeti, Advocate [OPUC]
3. One CC to Sri Koneru Prabhakara Rao, Advocate [OPUC]
4. One CC to Sri Polisetty Bala Venkata Koteswara Rao, SC for AP RERA [OPUC]
5. One Spare Copy