Sl. No.14

UTTAR PRADESH REAL ESTATE APPELLATE TRIBUNAL
AT LUCKNOW

Appeal No. D 35 Of 2026

S.J.P. Hotels & Resorts Pvt. Ltd. **…… Appellant**

Vs

Mr. Arnab Das **……Respondent**

Hon'ble Mr. Justice Suneet Kumar, Chairman
Hon'ble Mr. Rameshwar Singh, Administrative Member

(IA No.92 of 2026: Application for Condonation of Delay)

1. Heard Sri Samrat Vaish, learned counsel for appellant and Sri Sushant Raj Verma, learned counsel for respondent.

2. The applicant promoter, by the instant application, seeks condonation of 63 days' delay in instituting the appeal beyond the period of limitation. It is submitted that the impugned order dated 06.09.2025, passed by the Real Estate Regulatory Authority, at Gautam Budh Nagar, came to be uploaded on the RERA Portal on 08.09.2025. The applicant acquired knowledge of the order on the same date. It is submitted that after acquiring knowledge, appellant applied for certified copy of the impugned order on 26.11.2025 and the same was received by him on 16.12.2025. In other words, the application for obtaining certified copy came to be filed after 60 days of knowledge of the impugned order. It is thereafter, submitted that upon completion of the necessary consultation, collation of record and drafting, the appeal came to be filed without any further delay. The sufficient cause for the delay is pleaded in paragraphs 5 & 6 of the delay condonation application. Paras 5 & 6 of the application for condonation of delay are extracted:

> *"5. That after acquiring knowledge of the impugned order upon its uploading on 08.09.2025, the Appellant applied for the certified copy of the impugned order on 26.11.2025 and the same was received on 16.12.2025.*
>
> *6. That thereafter, upon completion of necessary consultations, collation of records and drafting, the present Appeal came to be filed without any further delay."*

3. The Hon'ble Supreme Court in ***Inder Singh Vs. State of Madhya Pradesh; 2025 INSC 382***, held that all parties, including State authorities are required to act with due diligence and promptitude. The delay cannot be condoned without sufficient cause. The liberal approach does not mean that the appeal should be allowed even if the cause for delay shown is flimsy and vague. The only exception is in matters pertaining to public interest and substantial justice. (**Refer:** Government of Maharashtra (Water Resource Department) represented by Executive Engineer Vs. M/s Borse Brothers Engineers & Contractors Pvt. Ltd., AIRONLINE 2021 SC 152)

4. In ***H. Guruswamy & Ors. Vs. A. Krishnaiah; 2025 INSC 53***, the Hon'ble Supreme Court recently held that rules of limitation are based on the principles of sound public policy and equity. Once a party looses the right to have the matter considered on merits due to their own prolonged negligence, they cannot later invoke principles of substantial justice.

5. We do not find any merit in the delay condonation application (I.A. No. 92 of 2026), being without sufficient cause, accordingly, the application **stands rejected**. Consequently, the Appeal No. D 35 of 2026 is **dismissed.**

6. Registry is directed to remit the amount deposited by the applicant promoter, in compliance of mandate of Section 43(5) of the Act, 2016, to UP RERA for disbursement in accordance with law.

7. Registry to supply copy of this order to UP RERA for compliance.

(Rameshwar Singh) **(Suneet Kumar)**

Dated: **03.09.2026**
Ranjeet/-