# MADHYA PRADESH REAL ESTATE APPELLATE TRIBUNAL AT BHOPAL

Appeal No. T-87/2026
Institution Date :19/06/2026

Before

Hon'ble Justice Shri B.K. Dwivedi, Chairperson
Hon'ble Shri P.C. Gupta, Member (Judicial)
Hon'ble Shri Ravindra Singh, Member (Administrative)

J D Brothers and Sons
Through its Partner
Darbar Singh S/o Thakur Prasad,
Address:-195A, 1st Floor,
M.P. Nagar, Zone-1
Bhopal MP-462011 : Appellant

Versus

MP Real Estate Regulatory Authority,
Through its Secretary,
RERA Bhawan, Arera Hills,
Bhopal (MP)-462011 : Respondent

Counsel for the parties

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For the Appellant : Advocate Shikhar Sthapak
For the Respondent : Advocate Swastik Singh

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**O R D E R**

(Passed on- 09/10/2026)

***Per , Justice, B.K. Dwivedi, Chairperson***

This appeal under Section 44 of the Real Estate (Regulation and Development) Act 2016 (for short, hereinafter will be referred as, 'the Act of 2016') has been filed challenging impugned order (Annexure A-1) which relates to imposition of late fee for not filing Quarterly Progress Report (QPR).

02. Application IA No. 1 under Section 44(2) of the Act of 2016 has been filed for condoning delay of 170 days from the end of quarter October-December, 2025 till date of fling of this appeal. This application for condoning delay is supported by affidavit Shri Darbar Singh S/o Thakur Prasad,



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office at 195 A, 1st Floor, MP Nagar Zone 1, Bhopal M.P.. Written reply has been filed on behalf of the Respondent opposing application for condonation of delay.

03. Ld. counsel for the Appellant submits that Appellant was waiting for appropriate response to the representation filed before the Respondent-Authority for waiver of illegal and unjust imposition of late fee. Late fee/delay fee imposed upon the Appellant/Applicant is of continuous and recurring in nature which is apparent from the record giving continuous cause of action and therefore delay is condonable. Appellant was under process of obtaining of legal advice to file the present appeal by collecting relevant documents, the reasons assigned would have sufficient reasons for condoning delay. On these submissions, Ld. counsel prayed for condoning the delay.

04. *Per contra* Ld. counsel for the Respondent vehemently opposed the prayer on the ground that even as per submission of the Appellant, default in submitting QPR first occurred in September 2018 but no action was taken by the Appellant till filing of the instant appeal on 19/06/2026. Ld. counsel further submits that default committed is not recurring in nature but amount of late fee has increased due to recurring imposition of amount of late fee as QPRs as required by Rule of 2017 and Act of 2016 has not been submitted in time.

4.1. Ld. counsel further submits that no specific particulars have been furnished that how much time was consumed in obtaining legal advice and relevant documents for filing the appeal, appeal should be filed within 60 days from the date of order/direction. First cause of action occurred in year 2021 and thereafter appeal has been filed in year 2026 as mentioned hereinabove. Even if some representation was given before the Authority in the year 2024 even thereafter considerable period passed before filing of the appeal. No sufficient reasons have been assigned for

condoning the same. To bolster his submission Ld. counsel for the Respondent placed reliance in para 8 and 9 of the order passed by Tribunal in ***T-89/2026, Yuvraj Patidar Vs Madhya Pradesh Real Estate Regulatory Authority dated 09/09/2026***. On these submissions, prays for dismissing the application for condonation of delay along with appeal as time barred.

05. Heard and considered the rival submission raised at bar. Perused the record.

06. It is not in dispute that Appellant came to know about the default committed in filing QPR for the first time in the year 2018. After that on continuance of default in not submitting QPR on time on regular intervals penalty has been imposed upon Appellant which has swelled to Rs.49,46,500/- up to filing of appeal. Mere imposition of default on regular intervals does not give rise recurring cause of action. Cause of action will be deemed to have arising in the year 2018 when first default in filing QPR was found and was well within the knowledge of the Appellant. Even for the sake of arguments if it is taken as true that when the Appeal was filed on 19/06/2026, the amount of penalty accumulated was near about Rs.49,46,500/-. Even if same representation was filed before the RERA that will not give any fresh cause of action for filing the appeal. As per averments para 3 (H) of the appeal memo Appellant stopped submission of QPR after 2018. Even if completion certificate is filed Appellant cannot be exempted from filing QPR before the date of completion of the project.

07. In view of the aforesaid, we are of the considered view that this appeal is time barred as filed beyond 60 days, by delay of 170 days. No sufficient reasons have been assigned for condoning the delay. It is well settled that duration of delay is immaterial, it can be condoned if sufficient reasons have been assigned for the same. In this

appeal, Appellant has failed to satisfy this Tribunal that delay in filing appeal was due to sufficient reasons.

08. In the light of aforesaid, this Tribunal is of view that delay cannot be condoned in the factual matrix of the case, hence, this application filed for condoning delay is devoid of any substance, fail and hereby dismissed.

09. Since delay itself is time barred by 170 days and explanation offered has not been found satisfactory resulting in dismissal of application IA No.1 for condonation of delay, hence, this appeal deserves to be and is hereby dismissed as time barred. Although appeal has been dismissed as time barred, we are of the view that attention of the Authority is to be drawn towards the need of issuance of formal order imposing late fee due to delay in filing of QPR.

10. For statistical purpose, appeal be registered.

11. Copy of this order be supplied to the parties free of cost.

12. Copy of this order be sent to the Secretary, RERA for information and necessary action at their end.

13. After completing all the formalities, record of the Tribunal be consigned to the record room at earliest.

14. No order as to cost.

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| ( JUSTICE B.K. DWIVEDI) | (P.C. GUPTA) | (RAVINDRA SINGH) |
| CHAIRPERSON | MEMBER (J) | MEMBER (A) |

Date: 09/10/2026
Place: Bhopal

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