

2024:PHHC:053290
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

134

CM-4221-C-2024 in/and
RERA-APPL-47-2024
Date of decision: 20.04.2024

M/S TDI INFRASTRUCTURE LTD

...Appellant

Versus

SATYA PAL TYAGI

...Respondent

CORAM : HON’BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Shubhnit Hans, Advocate,
for the applicant-appellant.

RAJBIR SEHRAWAT, J. (Oral)

CM-4220-C-2024

1. Allowed as prayed for.

CM-4221-C-2024

1. This is an application under Section 5 of the Limitation Act, 1963, read with Section 151 CPC, seeking condonation of delay of 214 days in filing the appeal.

2. This Court, vide order dated 18.04.2024 passed in CM-4008-C-2024 in RERA-APPL-34-2024, has already dealt with the similar controversy as involved in the present application, wherein it has been observed as under:

“ xx xx xx xx

4. *It is not a case of ignorance of an illiterate person which has resulted into delay in filing the appeal. It is the concerted and consistent effort of the applicant-appellant Company to avoid making payments of the statutory amount before the Appellate Tribunal; due to which the applicant has reached in the present appeal. In the earlier round of*

litigation, the High Court and the Supreme Court, both had granted time to the applicant-appellant to fulfil the statutory requirements; so that it could be heard on merits. However, still the applicant-appellant has chosen to take chances with not depositing the statutory amounts. Even in the present appeal, the order of the Appellate Tribunal is dated 07.07.2023, whereas, the appeal has been filed only on 05.04.2024 resulting into delay of 214 days. Since the applicant-appellant is a Company having all resources, financial and material, legal advice, as well as, the means to approach the Courts in time, yet even in the second round of litigation, the present appeal has been filed with a huge delay. Therefore, bona fide of the applicant-appellant qua any delay which has occurred in filing the appeal is simply ruled out.

5. *Otherwise also, perusal of the material on record does not show any sufficient cause for condoning the delay of 214 days in filing the appeals.*

6. *Hence, the applications for condonation of delay in filing the appeals are dismissed.*

3. In view of the above, the present application seeking condonation of delay of 214 days in filing the appeal is dismissed.

4. Since the delay in filing the appeal has not been condoned, therefore, the appeal filed by the applicant-appellant shall be taken as not having been filed at all.

20.04.2024
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No