



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

154/2

RERA-APPL-133-2025 (O&M)

Date of decision : 17.11.2025

Emaar India Limited

..... Appellant

versus

Indira Rani and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Kunal Dawar, Senior Advocate with
Ms. Shruti Mandhotra, Advocate
Mr. Saurav Bajaj, Advocate
Mr. Samarth Dwide, Advocate and
Mr. Manish, Advocate
for the appellant.

PANKAJ JAIN, J. (Oral)

1. Appellant is a developer aggrieved of the orders passed by the authorities under the Real Estate (Regulation and Development) Act, 2016.
2. Appeals preferred by the promoter have been dismissed by the Appellate Tribunal on the ground of limitation. The appeal was accompanied by an application seeking condonation of delay of 452 days in filing the appeal. Section 44 of the 2016 Act deals with the application for settlement of disputes and appeals to the Appellate Tribunal. The same reads as under:-

“44. Application for settlement of disputes and appeals to Appellate Tribunal.

1) The appropriate Government or the competent authority or any person aggrieved by any direction or order or decision of the Authority or the adjudicating officer may prefer an appeal to the Appellate Tribunal.

(2) Every appeal made under sub-section (1) shall be



preferred within a period of sixty days from the date on which a copy of the direction or order or decision made by the Authority or the adjudicating officer is received by the appropriate Government or the competent authority or the aggrieved person and it shall be in such form and accompanied by such fee, as may be prescribed:

Provided that the Appellate Tribunal may entertain any appeal after the expiry of sixty days if it is satisfied that there was sufficient cause for not filing it within that period.

(3) On receipt of an appeal under sub-section (1), the Appellate Tribunal may after giving the parties an opportunity of being heard, pass such orders, including interim orders, as it thinks fit.

(4) The Appellate Tribunal shall send a copy of every order made by it to the parties and to the Authority or the adjudicating officer, as the case may be.

(5) The appeal preferred under sub-section (1), shall be dealt with by it as expeditiously as possible and endeavour shall be made by it to dispose of the appeal within a period of sixty days from the date of receipt of appeal:

Provided that where any such appeal could not be disposed of within the said period of sixty days, the Appellate Tribunal shall record its reasons in writing for not disposing of the appeal within that period.

(6) The Appellate Tribunal may, for the purpose of examining the legality or propriety or correctness of any order or decision of the Authority or the adjudicating officer, on its own motion or otherwise, call for the records relevant to disposing of such appeal and make such orders as it thinks fit.”

3. In terms of Section 44(2), the appeal needs to be preferred within a period of 60 days. Even though the proviso appended to Section 44(2) clothes the Tribunal to entertain appeal beyond the period of 60 days on being satisfied of a sufficient cause or not filing appeal within 60 days, but the applicant needs to satisfy the Tribunal that the cause pleaded is sufficient. The only explanation given in the application seeking condonation of delay is that after the order was



passed by the authority, the matter was put up before the Management for requisite approvals and the delay is not intentional.

4. The precise issue of the lethargic attitude of State as well as Corporates came up for consideration before Supreme Court in *Shivamma (Dead) by LRs vs. Karnataka Housing Board and ors., 2025 SCC Online SC 1969*, wherein it was held as under:-

“xx xx xx

261. Thus, for the reasons aforesaid, the impugned order of the High Court deserves to be set aside. Before we proceed to close this judgment, we deem it appropriate to make it abundantly clear that administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay, and we want to convey an emphatic message to all the High Courts that delays shall not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State-machinery is able to establish that it acted with bona fides and remained vigilant all throughout. Procedure is a handmaid to justice, as is famously said. But courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, who also equally suffer the bars of limitation from pursuing litigation's due to its own lackadaisical attitude.

262. The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigation's, wherein the fruits of their decrees or favourable orders are frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law.



263. Limitation periods are prescribed to maintain a sweeping scope for the lis to attain for finality. More than the importance of judicial time, what worries us is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia. Such litigation’s deserve to be disposed of at the very threshold, because, say if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the lis for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.

264. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law.”

5. In view of above, finding no reason to substitute the reasoning accorded by the Appellate Tribunal for want of sufficiency of cause to condone the delay, the present appeal is ordered to be dismissed.

6. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

17.11.2025
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No