

**UTTAR PRADESH REAL ESTATE
APPELLATE TRIBUNAL
REGULATIONS, 2019**

NOTIFICATION

Uttar Pradesh Real Estate Appellate Tribunal
6-Jagdish Chandra Bose Marg, Lalbagh, Lucknow

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**UTTAR PRADESH REAL ESTATE APPELLATE
TRIBUNAL REGULATIONS 2019**

WHEREAS it is expedient to frame regulations, the Uttar Pradesh Real State Appellate Tribunal in exercise of the powers conferred by Sub-section 2 of Section 53 of the Real Estate (Regulations and Development) Act, 2016, read with Sub-rule (3) of Rule 25 of the Uttar Pradesh Real Estate (Regulations and Development) Rules, 2016, enabling it to frame regulations of its own practice and procedure, hereby makes the following Regulations:-

**CHAPTER I
PRELIMINARY**

1) Short title and Commencement

- i. These regulations may be called "the Uttar Pradesh Real Estate Appellate Tribunal Regulations, 2019".
- ii. These Regulations shall come into force with effect from 01st October, 2019.
- iii. These regulations shall apply in relation to all matters falling within the jurisdiction of the Tribunal in the State of Uttar Pradesh.

2) Definitions

(A) In these Regulations, unless the context otherwise requires:-

- i. "Act" shall mean the Real Estate (Regulation and Development) Act, 2016, as amended from time to time.
- ii. "Address for Service" shall mean postal address and/or e-mail address furnished by a party or his authorised agent or his legal representative, chartered accountant, company secretary, cost

accountant at which service of summons, notices or other process may be effected.

- iii. "Appeal" means an appeal filed under Sub-section (1) of Section 44 of the Act read with Rules framed thereunder.
- iv. "Appellant" means a person who has filed an appeal under sub-section (1) of Section 44 of the Act read with the Uttar Pradesh Real Estate (Regulations and Development) Rules, 2016
- v. "Application" means and includes review application, stay application, settlement application, recall application.
- vi. "Authorised person" means a person authorised by the appellant/s and respondent/s to represent him/them before the Tribunal and includes the persons as explained in Section 56 of the Act.
- vii. "Chairperson" means the Chairperson of the Uttar Pradesh Real Estate Appellate Tribunal appointed under section 46(2) of the Act.
- viii. "Code" means the Code of Civil Procedure, 1908, as amended from time to time.
- ix. "Consultant" means any person not in the employment of the Tribunal, who may be appointed to assist the Tribunal on any matter required to be dealt with by the Tribunal under the Act, Rules and Regulations thereunder.
- xi. "Court" means the Bench of the Tribunal.
- xii. "Legal Practitioner" includes a Standing Counsel authorized to accept the service for any department of the Government or Authority, Company, Corporation etcetera.
- xiii. "Member" means a Member of the Uttar Pradesh Real Estate Appellate Tribunal appointed under Section 46(3) of the Act.

- xiv. "Proceedings" mean and include proceedings of all nature that the Appellate Tribunal may conduct in the discharge of its functions under the Act and the Rules and the Regulations thereunder.
- xv. "Registrar" means the Registrar of the Uttar Pradesh Real Estate Appellate Tribunal and includes an officer of the Appellate Tribunal, who is authorised by the Chairperson to function as Registrar.
- xvi. "Registry" means the office of the Uttar Pradesh Real Estate Appellate Tribunal.
- xi. 'Vacation Bench' means a Bench duly constituted for discharging the functions of the Tribunal during its vacation.
- (B) Words or expressions occurring in these Regulations and not defined herein shall bear the same meaning assigned to them in the Act and the Rules thereunder.

CHAPTER II **AREA OF JURISDICTION**

- 3) The Uttar Pradesh Real Estate Appellate Tribunal Regulations, 2019 shall be applicable to the entire State of Uttar Pradesh.

CHAPTER III **LANGUAGE**

- 4) Language of the Tribunal
 - i. The proceedings of the Appellate Tribunal shall be conducted in English.
 - ii. No appeal, application, document or other papers contained in any language other than English shall be accepted by the Tribunal unless

the same is accompanied by true translation thereof in English attested by a qualified translator and countersigned by the party concerned.

CHAPTER IV **DRESS AND DISCIPLINE**

- 5)**
- i. The dress code for male employees/officers of the Tribunal shall be white shirt and black/white trousers, black/white formal shoes and for female employees/officers shall be white/black kurta and black/white pyjama or white saree and black blouse. In addition, Court Master/Bench Secretary/ Personal Assistant (PA) and Private Secretaries shall wear black coat.
 - ii. The Advocates appearing before the Tribunal shall wear the same professional dress as prescribed for appearance before the Court. The wearing of gown is optional.
 - iii. Where other legal representatives like that of chartered accountant, etc. and if they have been prescribed a dress for appearing in their professional capacity before any Court, Tribunal or Appellate Tribunal or other such authority, may at their option, wear the same dress.
 - iv. The party who has engaged a legal practitioner to appear for him before the Tribunal shall not be entitled to be heard in person unless permitted by the Tribunal or he discharges the authorisation/ vakalatnama issued in favour of the Legal Practitioner.
 - v. In the court hall or in any hearing before the Tribunal, no cell phone, camera or any other electronic gadgets shall be used or operated except the laptop/i-pad/notepad. However, no proceeding of the court shall be recorded.

CHAPTER V

SITTINGS, CAUSE-LIST, WORKING HOURS AND CALENDAR

6) Sittings

- i. The head office of the Appellate Tribunal shall be at Lucknow.
- ii. The Appellate Tribunal may conduct its proceedings at the head office or at any other place within its jurisdiction on days and time as directed by the Chairperson or as notified by the State Government under Section 43(2) of the Act.
- iii. The Chairperson is the "Master of Roster" and has the authority to allocate the cases to different Benches/Members of the Tribunal.
- iv. The cause-list shall be printed/notified under the authority of the Chairperson.
- v. The appeal shall be heard by a bench comprising of one Judicial Member and one Administrative or Technical Member as provided under Section 43(3) of the Act.
- vi. In the absence of the Chairperson or vacancy of the Chairperson, a bench of two members including the judicial member, who will chair the bench, can conduct the proceedings of the Tribunal.
- vii. In absence of any member of the Bench, the main cases will be transferred to the other available bench and the other member will sit singly to hear and dispose of the miscellaneous applications except the interim relief and delay condonation application.
- viii. When the Tribunal is closed for vacation, the Vacation Bench shall sit on such days as may be specified by the Chairperson. During the vacation, only the matters which are required to be immediately or urgently dealt with, shall be received in the Registry and the Registrar on being satisfied about the urgency, shall order registration and posting of such cases.

7) Working Hours

- i. The office working hours of the Appellate Tribunal shall be from 9.45 AM to 5.30 PM with 45 minutes recess from 1.30 PM to 2.15 PM.
- ii. The sittings of Appellate Tribunal shall be from 10.30 AM to 1.30 PM and from 2.15 PM to 4.15 PM, with 45 minutes recess from 1.30 PM to 2.15 PM.
- iii. The Filing Counter of the Registry shall be open on all working days from 10.15 AM to 1.30 PM or as may be notified by the Appellate Tribunal from time to time.

8) Calendar

The Appellate Tribunal shall follow the Calendar of The Allahabad High Court.

CHAPTER VI**PRESENTATION OF PROCEEDINGS****9) Presentation of Proceedings**

- i. All appeals to be instituted with the Tribunal shall be accompanied by a fee of Rupees One Thousand in favour of the Appellate Tribunal as laid down in Rule 25 of the Uttar Pradesh Real Estate (Regulation and Development) Rules, 2016. However, when an appeal is preferred by the Promoter, he shall deposit at least thirty percent of penalty imposed on him under Section 60,61,62 and 63 of the Act or the total amount to be paid to the allottee including interest and compensation imposed on him, or with both as the case may be as provided under Section 43(5) of the Act.
- ii. The appeal shall be fairly legible and legibly type-written, lithographed or printed in double spacing, font size 14" (Times New Roman font) with proper margin, [1.5] duly paginated, indexed and

stitched together in paper book form as laid down in Form-L of the Rules [Rule 25(2)] and shall be presented in triplicate.

- iii. The authorised official, on receipt of proceedings shall put up his report with his initials, and thereafter shall on the same day send to the Registrar/ or the other officer as nominated by the Chairman.
- vii. Court fee stamps affixed on Vakalatnama, Letter of Authorisation and the documents shall be checked and entered after due cancellation in the Court Fee Register to be maintained as per the procedure.
- viii. In case of delay, if the last day of filing appeal falls on a holiday, that day and succeeding holidays shall be excluded for the purpose of reckoning the period of limitation. Appeal should be presented on the next working day succeeding the holidays from the last date of limitation.
- ix. On examination of appeals, if the Registrar or the authorized officer finds the same in order, he shall seek appropriate orders for allotment of appeal.

10) Documents to accompany Memorandum of Appeal

- i. Memorandum of Appeal along with complaint, reply, if any and other documents filed before the authority with adequate number of copies to be served on respondents;
- ii. If appeal is presented through an Advocate, necessary Vakalatnama duly attested with a court fee stamp of Rs. 10/- and Advocate Welfare Fund Stamp, if applicable. Vakalatnama shall also contain the address of the advocate with Enrollment Number, email ID, Mobile Number etc. for proper communication;
- iii. In the event a proceeding is filed by an authorised representative, chartered accountant, cost accountant or company secretary as provided in Section 56 of the Act, Power of Attorney or authority letter in original together with a copy of the resolution from the Company, Firm etcetera, as the case may be.

- iv. Certified copy of impugned order;
- v. All the documents shall be produced along with the list of documents (Form B);
- vi. An application for condonation of delay when appeal is presented after expiry of period of limitation shall be supported by an affidavit.
- vii. Other documents, if any in accordance with the law and rules framed thereunder.

CHAPTER VII

EXAMINATION AND REGISTRATION OF PROCEEDINGS

11) Appeal

- i. The Registrar shall examine the appeal as expeditiously as possible but not beyond three working days from the date of receipt thereof.
- ii. As soon as the memorandum of appeal is presented, the Registrar or the authorized officer should examine it as per checklist (Form A) with a view to ascertain;
 - a)** Legal provision i.e. under Section _____ of RERA Act
 - b)** Whether presentation of the appeal is duly authorized;
 - c)** Whether appeal is in time and if not, whether an application for condonation of delay is filed as provided in Sub-section 2 of Section 44 of the Real Estate (Regulation and Development) Act, 2016;
 - d)** Whether memorandum of appeal is accompanied by the certified copy of the judgment and order;
 - e)** Whether appeal is properly stamped;
 - f)** Whether names of the parties and address stated in the memorandum correspond to the names and address in the copies annexed;
 - g)** Whether addresses given are registered addresses of the parties;
 - h)** Whether requisite court fee as prescribed is paid.

- i) Whether the appeal preferred by the promotor is accompanied with at least thirty percent of penalty imposed on him under Section 60,61,62 and 63 of the Act or the total amount to be paid to the allottee including interest and compensation imposed on him, or with both as the case may as provided under Section 43(5) of the Act.
- iii. Where the Registrar or the authorized officer finds that memorandum of appeal does not comply with any of the requirements referred to in subparagraph (ii) above, or is open to any objection(s), he should call upon the appellant or his lawyer, authorised representative, chartered accountant, cost accountant or company secretary, as the case may be, to comply with the requirements and remove the objection(s). In case of non-compliance within three working days, memorandum shall be placed before the appropriate Bench for orders.

12) Miscellaneous Applications and Execution Petitions

- i. On receipt of Miscellaneous Applications and Execution Petitions, the Registrar shall examine the same on the lines of Regulations 11 (i) and (ii) above.
- ii. Miscellaneous Applications and Execution Petitions shall be registered separately.
- iii. All the applications shall be supported by an affidavit. On every application, a court fee stamp of Rs. 10/- shall be affixed.

CHAPTER VIII

SERVICE OF SUMMONS/APPEARANCE OF RESPONDENTS AND OBJECTIONS

13) Service of Summons/ Notice

- i. All summons or notice are to be served on other side, by registered post or speed post or courier or by issuing Dasti

summons and/or e-mail/message/whatsapp on the mobile address mentioned by the party to a case.

ii. In the event, any application is presented by appellant or respondent during the pendency of any proceeding, notice of the same should be served in advance to the other side as well as on email address on the record, including their Advocate/representative, as the case may be.

iii. If any summons/ notice is returned unserved, registry shall place the record for orders before the Appellate Tribunal alongwith service report.

iv. Where the respondent, despite effective service of summons or notice to him does not appear on the date fixed for hearing, the Tribunal may proceed to hear the appeal or application or petition *ex-parte* and pass final order on merits.

v. The respondent, if permitted to file objections or reply in any proceeding shall also file three copies thereof before the Appellate Tribunal after serving copies of the same on the appellant or their counsel on record or their authorized representative, as the case may be.

CHAPTER IX

HEARING OF APPEAL & WITHDRAWAL OF PARTIES

14)

i. No new documents which have not been produced or relied upon before the Authority shall be produced at the time of filing appeal. However, if any application is filed for production of additional documents or evidence, the same shall be considered by the Appellate Tribunal after giving opportunity to the opposite side.

ii. As far as possible, hearing of appeal shall be concluded within sixty days from the date of its filing as per Section 44 (5) of the Real Estate (Regulation and Development) Act, 2016.

- iii. The Cases which could not be taken up due to paucity of time or for any other reason, a date will be fixed with the consent of the parties present.
- iv. The cases which could not be taken up due to non-availability of the Bench, a general date will be notified with the approval of the Chairperson .
- v. In case any party makes an application for preponing the date for hearing/order for any reason, same shall be taken up after due service and information to the other side.
- vi. The Appellate Tribunal may also permit one or more of the appellant, or the opposite parties to withdraw from the array of parties. Such an application shall be accompanied by an affidavit of the party concerned who moves such an application, disclosing in clear terms the cause for withdrawal from the array of the parties.

CHAPTER X

DISCOVERY, PRODUCTION AND RETURN OF DOCUMENTS

15)

- (1) **Suo-motu summoning of documents:** Notwithstanding anything contained in these Regulations, the Appellate Tribunal may, *suo motu*, issue summons/notices for production of public documents or other documents in the custody of any public officer or any other party;
- (2) **Return of documents:** (a) An application for return of the documents produced shall be numbered. No such application shall be entertained after the destruction of the records.
 (b) The Appellate Tribunal may, at any time, direct return of documents produced subject to such conditions as it deems fit.

CHAPTER XI

PRONOUNCEMENT OF JUDGMENT/ORDERS

- 16)**
- (1)(i)** Every judgment or final order shall recite the following facts prefixing the body of the judgment or the final order.
- (a) Full name of the Tribunal with place of sitting
 - (b) Full name of the Presiding Members of the Bench with their designation
 - (c) Full particulars of the case
 - (d) Name of the Member who prepared the judgment
- (ii)** Judgment shall be typed neatly on a green legal size paper in 1.5" space. with two inch blank on left side, one inch blank on right side and one inch margin on the top and bottom of the paper. The font size shall be 14 and font type shall be 'Times New Roman' so as to maintain uniformity in the judgment and the orders.
- (iii)** Where a Chairman or a Member is going to retire, superannuate or has to resign, he will try to deliver judgments in all those cases, hearing of which has been completed in all respect.
- (iv)** Where a case is heard by two Members and judgment is reserved, their judgment or judgments may be pronounced by any one of them. If no such Member is present, such judgment or judgments may be pronounced by any other member authorised by the Chairman.
- (v)** After signing of the judgment by the Bench, the Bench Secretary of the court shall put a seal of the court/Tribunal on the last page of the judgment.
- (2)** Judgment: The final decision of the Appellate Tribunal on an appeal before the Tribunal shall be described as judgment.
- (3)** Pronouncement of judgment: When the order/judgment is reserved, the date for pronouncement of order/judgment shall

be notified in the cause list or by a separate notice/counsel notice, which shall be a valid notice of intimation of pronouncement ;

(4) Reading of the operative portion of the judgment in the open court shall be deemed to be pronouncement of the order ;

(5) Any judgment/order reserved by a Circuit Bench of the Appellate Tribunal, if existing may also be pronounced at the principal place of sitting of the Bench in one of the aforesaid modes as exigencies of the situation require :

(6) When a judgment/ order is pronounced, the Bench Secretary shall make a note in the order sheet, and make necessary endorsement on the case file regarding the date of such pronouncement, the nature of disposal, and the constitution of the Bench pronouncing the judgment/order and he shall also make necessary entries in the court diary maintained by him.

(7) Members constituting the Tribunal shall affix their signature in the order of their seniority from right to left on the order-sheet as well as on the judgment;

(8) After communication of the judgment/order to the Real Estate Regularity Authority, by the Registry of the Tribunal, the official concerned shall arrange the records with pagination and prepare the Index sheet. He shall also affix initials and then transmit the records to the record room.

(9) Award of costs in the proceedings:

(a) The Appellate Tribunal may in suitable cases direct appellant or respondent to bear the cost of litigation of the other side, and in case of abuse of process of court, impose exemplary costs on defaulting party.

(b) The cost so awarded by the Appellate Tribunal shall be credited into the prescribed account of the Tribunal.

CHAPTER XII

ORDER OF HIGH COURT

- 17) High Court Appeal Register :** (1) A Register shall be maintained in regard to Appeals against the orders of the Appellate Tribunal to the High Court concerned and necessary entries therein be promptly made by the Section.
- (2) The Register shall be placed for scrutiny before the Chairperson in the first week of every month.
- (3) Whenever an interim or final order passed by the concerned High Court in an appeal or other proceeding preferred against a decision of the Appellate Tribunal is received, the same shall forthwith be placed before the Chairperson/Members for information and kept in the relevant case file. Immediate attention of the Registrar shall be drawn to the directions requiring compliance.
- (4) It shall be the duty of the Registrar/Authorized Officer to take expeditious steps to comply with the directions of the High Court concerned.

CHAPTER XIII

COLLECTION OF INFORMATION

- 18)** (1) The Appellate Tribunal may issue such directions to any persons, Authority or Institution for the purpose of collection of any information, particulars or documents that the Tribunal considers necessary in connection with the discharge of its functions under the Act and the Rules.
- (2) If any such report or information obtained appears to the Appellate Tribunal to be insufficient or inadequate, an officer of the Tribunal may be authorized for further inquiry, report and for furnishing of information.

(3) If the report or information obtained in accordance with Regulation, any part thereof is proposed to be relied upon by the Appellate Tribunal for forming its opinion or view in any proceedings, the parties to the appeal shall be given a reasonable opportunity for filing objections and making submissions on such report or information.

CHAPTER XIV

ADMINISTRATIVE CHARGES AND STANDARD FEES

- 19)** The Appellate Tribunal may, by order, fix standard fees, to be levied on inspection of documents, certified copy of documents, etc.

CHAPTER XV

RESTRICTIONS

- 20)** (1) Any member who has a direct or indirect pecuniary or other interest in any matter including those relating to his/her immediate family, coming up for consideration in the proceedings before the Appellate Tribunal shall recuse from the same.
- (2) For the purpose of this regulation immediate family shall include wife or husband or son or daughter (whether biological or adopted), parents, brothers or sisters or any person related to any of them by blood or marriage, whether they are dependent on the such member or not.
- (3) Any member who is found in violation of the principles laid out in sub-regulation shall be liable to necessary action as per the provisions of the Act and Rules made thereunder.

CHAPTER XVI

DEATH AND INSOLVENCY OF PARTIES

21)

- i. Where in a proceeding, any of the parties to the proceeding dies, the proceeding shall be continued and adjudicated with successors-in-interest in case of individual or partnership firm as in the case of an insolvent, the official receiver or assignee as in the case of a company under liquidation/ winding up, the proceedings shall continue with, the executor, administrator, liquidator or other legal representative of the party concerned as the case may be. ii. In case of death of any parties to the proceedings, the application for bringing up the successors - in - interest shall be filed within 60 days, if not filed within 60 days, the application/ proceeding shall be treated as abated.

CHAPTER XVII

JUDGMENT AND DECREE

22)

For judgment and decree, provisions of Order XX of the Code of Civil Procedure may assist as guidelines.

CHAPTER XVIII

OFFICERS OF THE TRIBUNAL

23)

- i. The Tribunal shall have the power to appoint the Registrar, Officers and other employees for discharging various duties as provided in Rule 31(c) of the 2016 Rules. The qualifications, experience and terms of conditions of service and appointment of such Registrar, Officers and other employees shall be subject to such regulations as may be specified by the Appellate Tribunal
- ii. The Registrar and Accounts Officer should ordinarily be two superior officers of the Tribunal.

iii. Accounts Officer shall look after all the work relating to accounts.

iii. The Appellate Tribunal may appoint or engage Consultants/Experts to assist the Tribunal in the discharge of its functions as provided in Rule 30 of the 2016 Rules.

24) Powers and duties of the Officers

(A) Registrar

i. The Registrar shall have the following powers and perform the following duties, viz. - to

- a) have charge of and affix the seal of the Appellate Tribunal;
- b) sign receipts for papers received in the Appellate Tribunal;
- c) sign registers and books of proceedings and notices on the notice board;
- d) sign 'By Order';
- e) perform such duties and exercise such powers in relation to the recruitment of staff of the Appellate Tribunal;
- f) issue notices, prepare agenda and record the minutes of the meetings of the Appellate Tribunal;
- g) receive all appeals, execution petitions, miscellaneous applications and other documents relating to the proceedings presented to the Tribunal;
- h) examine all appeals and applications so received as per 11 (i) to (iii) and take further necessary action;
- i) endorse on such appeals and applications the date of receipt for the purpose of calculating limitation;
- j) authenticate translations;
- k) issue certified copies of the judgments, orders, decrees of the Tribunal and documents filed in the proceedings as per the procedure;
- l) collect from the State Government or other Offices, Companies and Firms or any other party, such information and record,

report documents, etc., as may be directed by the Chairperson; m) discharge functions, as Administrative Officer relating to leave of absence, establishment, pay and allowances, contingent bills, budget estimates and similar matters of administration under the control of the Chairperson;

n) exercise a general control over the matters relating to arrangement, maintenance and destruction of records;

o) return the documents in disposed of cases by substituting certified copy/copies wherever necessary;

p) return original documents etc. produced by the parties in the Appellate Tribunal whenever they apply for the return;

q) carry on routine correspondence as may be required;

r) be overall in-charge of compliance of directions, drawing of decrees, copying, establishment, accounts, stationery, dead stock register, library, records and protocol;

s) any other duties as may be assigned by the Chairperson.

ii. In the absence of the Registrar, the officer of the Appellate Tribunal so authorised by the Chairperson, shall exercise the functions of the Registrar.

iii. The Chairperson, *suo moto* or on an application made by any interested or affected party may review, revoke, revise, modify, amend, alter or otherwise change any order issued or action taken by the Registrar or any officer of the Tribunal, if considered appropriate.

(B) Accounts Officer will take care of all accounts and financial matters of the Appellate Tribunal and shall perform other duties as may be assigned by the Chairperson.

CHAPTER XIX
REGISTERS

- 25)** The following Registers shall be maintained and necessary entries shall be posted on day to day basis by an official as the Registrar may nominate, subject to any order of the Chairperson.
- i. Appeal Register
 - ii. Caveat Register
 - iii. Complaint Register
 - iv. Miscellaneous Applications Register
 - v. Unnumbered Appeal Register or Application
 - vi. Register pertaining to RTI applications
 - vii. Review Petition Register
 - viii. Execution Petition Register
 - ix. Register of disposed cases category wise
 - x. Certified Copy Register
 - xi. Library Register
 - xii. Stationery Register
 - xiii. Pass Book
 - xiv. Postage Stamp Register
 - xv. Challan Register
 - xvi. Cash Book
 - xvii. Register of TDS and GST details
 - xviii. Cheque Register
 - xix. Fixed Asset Register
 - xx. Investment Register
 - xxi. Petty Cash Register
 - xxii. Fees Register
 - xxiii. Penalty Register
 - xxiv. Refund Register
 - xxv. Contingent Expenditure Register
 - xxvi. Payment Register
 - xxvii. Acquaintance Roll Register
 - xxviii. Attendance Register

- xxix. Records Muster Register
- xxx. Fine Register
- xxxi. Dead Stock Register
- xxxii. Leave Register

CHAPTER XX
CONSIGNMENT AND DESTRUCTION OF RECORDS

26)

- (i) The records for all cases finally decided in the month shall be transmitted to the record room in properly stitched file covers with upto date index and certificate of transmission by the dealing assistant on or before the 30th day of the succeeding month, unless the record of a case is required to be retained due to review petition or any stay order in the proceedings.
- (ii) Record of the Appellate Tribunal except material record, shall be ordered to be destroyed by the Registrar after five years from the final conclusion of the proceedings of the Appellate Tribunal and if any appeal is filed the same shall be destroyed after three years from the date of disposal of such appeal.
- ii) All material records shall also be destroyed after ten years from final conclusion of the proceedings or two years from the date of disposal of appeal.
- iii) The destruction of such record shall be effected in a manner to render it unfit for reuse.
- iv) Entry regarding destruction: Entries regarding destruction shall be made in the relevant columns of the destruction register.

CHAPTER XXI
CERTIFIED COPY

21) Certified Copies of Order

- i. A party to any proceeding may, on application on the prescribed Court fee, made to the Tribunal, obtain a certified copy of any judgment, order, or any document filed in the proceeding. The application may be made by the party himself or by his recognised agent or by his pleader or Advocate and may also be sent by post.
- ii. The application shall state whether the copy applied for is required for private use or otherwise.
- iii. Where a party applies for a certified copy by post other than registered post, the date of its receipt by the office of the Appellate Tribunal would be the date of the presentation of the application. Whenever such application is made by registered post, the same shall be prepaid for acknowledgment and the date of receipt of the letter would be the date of presentation of the application to the Appellate Tribunal.
- iv. On receipt of an application, the office shall immediately scrutinize it with a view to ascertain the correct number of the proceeding, names of the parties, description of the document copy of which is applied for and whether the document, is available for copying.
- v. The office shall estimate the costs of the copies before the copying work is undertaken. The estimate should, as far as possible, cover all probable costs of the copies.
- vi. The applicant shall be called upon to deposit the estimated costs of the copies applied for, and make up other deficiencies then and there only, if his presence is available in the office. In other cases, Registrar to pass the orders requiring the applicant to make good the deficiencies within a specified period of time, not exceeding seven days from the receipt of the intimation.

- vii. If the applicant fails to furnish the estimated cost or to make good the deficiencies within seven days from the date of issuance of notice, his application for copy shall be filed/kept on record.
- viii. As soon as the office finds that the application is complete in all respects, Registrar shall pass orders granting or refusing the application. In case the Registrar refuses to grant the application, the grounds for refusal shall be recorded on the application and such refusal and the grounds thereof shall be communicated to the applicant in writing.
- ix. The ordinary copies shall be furnished within 7 days of the presentation or receipt of the application, if the application is complete on that date, unless further delay is unavoidable in which case the cause shall be endorsed on the copy. In other cases, the period of 7 days shall be computed from the date on which the application is complete in all respects, excluding the holidays.
- x. Copies of any document on the record of a proceeding prepared by a party may in the discretion of the Registrar, be certified as true copies upon an application made in that behalf.
- xi. (1)The following endorsement shall be made on every copy of the document:
 - a) The date on which the copy was applied for.
 - b) The date on which application was complete.
 - c) The date (when the date once given is subsequently changed, the last of such changed dates) given to the applicant for taking delivery of the copy.
 - d) The date on which the copy was ready for delivery.
 - e) The date on which it was delivered or posted.

- (2) To prevent unauthorised alterations being made, the date shall be written in letters in distinct handwriting and the endorsement should be signed by the Registrar on the date on which it was made.
- xii. The certified copies shall be charged at the following rates: a) A flat rate of Rs. 5 per page for ordinary printed/ photocopy and Rs. 10 per page for urgent printed/ photocopy shall be charged for the certified copy inclusive of copying, comparing and paper cost irrespective of the fact whether the document is in English or in a regional language.
- b) In case of a copy of map or plan, the charges for copying, comparing and paper cost shall not be less than Rs. 5 and not more than Rs. 100/- per page as the Accountant may determine.
- xiii. In case the estimated deposit falls short of the charges which would have to be recovered in respect of the copies, the balance shall be recovered from the parties or lawyer concerned before the copies are delivered personally. In case the applicant applies for such copies by post, it will be responsibility of the party to collect the copies by paying the deficit.
- xiv. All copies should be correct, printed, typed or photocopied clearly and shall be dated, subscribed and duly sealed.

CHAPTER XXII

REMOVAL OF DIFFICULTIES AND ISSUANCE OF DIRECTIONS

- 22)** Notwithstanding anything contained in the Regulations, wherever the Regulations are silent or no provision is made, the Chairperson may issue appropriate directions to remove difficulties and issue such orders or circulars from time to

time to govern the situation or contingency that may arise in the working of the Appellate Tribunal.

CHAPTER XXIII
CONFIDENTIALITY

23)

- i. The Appellate Tribunal shall appraise and determine whether any document or evidence produced by any party and claimed by that party to be of a confidential nature is to be withheld from disclosure to other parties as being confidential and shall provide brief reasons in writing for arriving at its conclusion.
- ii. If the Appellate Tribunal is of the view that the claim for confidentiality is justified, the Appellate Tribunal may direct that the same be not provided to such parties as the Appellate Tribunal may deem fit. However, the party claiming the confidentiality shall provide a brief non-confidential summary of the substance of the documents found to be confidential and the import of the same.
- iii. Notwithstanding the above, it shall be open to the Appellate Tribunal to take into consideration the contents of the documents found to be confidential in arriving at its decision.
- iv. The Appellate Tribunal may direct any person either to appear, to give evidence or to produce any document or books of accounts and such document or evidence produced may be ordered to be kept in the safe custody of any one of the officers of the Appellate Tribunal.

CHAPTER XXIV
GENERAL POWERS TO AMEND/ RECTIFY

- 24)** The Appellate Tribunal may, at any time and on such terms as to or otherwise, as it may think fit, remove any defect or error apparent on the face of record in any proceedings before it (including any clerical or arithmetical error in any order passed by the Appellate Tribunal), either on an application filed by any one of aggrieved parties or *suo moto*, within 30 days from the date of the order. The Tribunal shall not pass any order on the said application if entertained without giving notice to other side. Provided that if the Tribunal desires to make amendments or rectification in the order to determine such issue, the Appellate Tribunal shall provide an opportunity to the parties affected by such amendment or rectification touching such issue to make representations and submissions with respect to the proposed amendment or rectification.

CHAPTER XXV
SAVING OF INHERENT POWERS OF THE TRIBUNAL

- 25)**
- i. Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent powers of the Appellate Tribunal to make such orders as may be necessary for meeting the ends of justice or to prevent the abuse of the process of the Tribunal.
 - ii. Nothing in these Regulations shall bar the Appellate Tribunal from adopting in conformity with the provisions of the Act or Rules, a procedure, which is at variance with any of the provisions of these Regulations, if the Tribunal, in view of the special circumstance of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or

expedient for so dealing with such a matter or class of matters.

- iii. Nothing in these Regulations shall bar the Appellate Tribunal to deal with any matter or exercise any powers under the Act or Rules, for which no regulations have been framed, and the Tribunal may deal with such matters, powers and functions in a manner it thinks fit.

CHAPTER XXVI

EXTENSION OR ABRIDGEMENT OF TIME PRESCRIBED

- 26)** The time prescribed by the Regulations or by order of the Appellate Tribunal for doing any act may be extended (whether it has already expired or not) or abridged for sufficient reasons by an order of the Tribunal subject to the provisions of the Act and the Rules.

CHAPTER XXVII

MISCELLANEOUS

- 27)** The Tribunal shall make an endeavor to put online system in place in respect of functions relating to the Tribunal. The aforesaid Regulations shall remain in force till they are amended, modified or substituted from time to time.

Place: Lucknow
01st October, 2019

Issued under the Authority of the Tribunal
Authenticated by
(Dr) Justice Devendra Kumar Arora
Chairperson, Uttar Pradesh
Real Estate Appellate Tribunal

Uttar Pradesh Real Estate Appellate Tribunal Regulations, 2019

**APPENDIX
FORM A
CHECKLIST FOR SCRUTINY OF APPEAL**

Appeal No. -----Complaint No. -----

Parties -----Vs-----

- | | | |
|----|---|-------------|
| 1 | Legal Provisions: U/sec | of RERA Act |
| 2 | Whether the appeal is competent | Yes / No |
| 3 | Whether the name of the parties and their addresses are properly mentioned in the Appeal Memo are same as mentioned in the proceedings before the authority | Yes / No |
| 4 | Whether certified copy of impugned Order / Judgment is filed with the appeal | Yes / No |
| 5 | What is the: | |
| | a) Date of the order : - | |
| | b) Date of its communication to the party by RERA : - | |
| | c) Date of application for certified copy : - | |
| | d) Date on which copy was ready : - | |
| | e) Date of receipt of certified copy : - | |
| | f) Date of Online filing of appeal : - | |
| | g) Date of submission of hard copy of Appeal Memo:- | |
| | h) Whether there is any delay in submission of hard copy of Appeal Memo :
If yes, how many days : - | Yes / No |
| 6 | Is appeal filed within limitation (60 days) : - | Yes / No |
| 7 | Whether there is any delay in filing of appeal:
if yes, how many days:- | Yes / No |
| 8 | Whether application for condonation of delay is filled with appeal:
If not, raise its objection. | Yes / No |
| 9 | Whether requisite fees paid:-
If yes, copy of the receipt & date of payment :- | Yes / No |
| 10 | Whether the required documents are filed with Index & pagination:
If yes, whether the documents are legible:- | Yes / No |
| 11 | i) Whether the copy of appeal memo is annexed for giving the same to other Side: | Yes / No |
| | ii) Or served to other side by post / courier : | Yes / No |

- If yes, whether proof of service of the copy is enclosed: Yes / No
- 12 Whether Vakalatnama / Authorization is filed and properly stamped Yes / No
- 13 Whether e-mail / phone / Mobile No. is on record :- Yes / No

Signature of the Dealing Assistant

Submission:

Matter be placed before Hon'ble Chairperson for seeking Allotment Order.

Registrar, UPREAT

Uttar Pradesh Real Estate Appellate Tribunal Regulations, 2019**FORM B
LIST OF DOCUMENTS**

Sr No	Description of Documents	Page No.
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

Signature of the Appellant(s)

**UTTAR PRADESH REAL ESTATE APPELLATE TRIBUNAL
APPLICATION FOR POSTPONEMENT/ADJOURNMENT/PASS
OVER**

To,

The Bench Secretary
Court No _____
UPREAT

Sir,

Postponement/adjournment/pass over of the case with following particulars:-

- 1- Serial number of Case
- 2- Case No. and title
- 3- Name of the counsel for the other side, who has been informed
(Appellant/respondent/Petitioner/Opposite Party etc.)
- 4- The adjournment is due to

Signature

Name of the Counsel for
Bar Council No.

Note: Paragraph 3 is not required to be filled where the adjournment is due to illness of the counsel, shown in paragraph 4 of the above format.

2] The slip shall be written/typed on A4 size paper