

# **THE UTTAR PRADESH REAL ESTATE APPELLATE TRIBUNAL**

## **(2<sup>ND</sup> AMENDMENT) REGULATIONS, 2021**

Whereas it is expedient to amend Regulations regarding Electronic Filing (e-filing) of the cases in the U.P. Real Estate Appellate Tribunal, Lucknow, the U.P. Real Estate Appellate Tribunal, Lucknow in exercise of powers of Section 53(2) of the Real Estate (Regulation and Development) Act, 2016 read with Sub-Rule (3) of Rule 25 of U.P. Real Estate (Regulation and Development) Rules, 2016, make the following amendment in the E-filing Regulations as well as in the main Regulations of 2019.

### **1. Short Title and Commencement:-**

These Regulations will be called “The Uttar Pradesh Real Estate Appellate Tribunal (2<sup>nd</sup> Amendment) Regulations, 2021”. These Regulations will come into force with immediate effect.

2. Existing Regulation 9 (1) to 9 (7) of the E-filing Regulations mentioned in Column 1 is substituted by the Regulation 9 (1) to 9 (7) mentioned in Column 2:--

<b>Regulation</b>	<b>Column 1 (Existing Regulation)</b>	<b>Column 2 (Substituted Regulation)</b>
<b>9</b>	<b>REPORT OF SCRUTINY OFFICER LEVEL I &amp; II.</b>	<b>REPORT OF SCRUTINY OFFICER LEVEL I &amp; II.</b>
<b>(1)</b>	The Scrutiny Officer Level I & II shall append their reports on the e-case file electronically. First scrutiny shall be done at level I and then at level II. Any defects pointed out shall be intimated through SMS and email, on the registered mobile number and registered e-mail ID of the person who has filed the	The Scrutiny Officer Level I & II shall append their reports on the e-case file electronically. First scrutiny shall be done at level I and then at level II. Any defect pointed out shall be intimated through SMS or email, on the registered mobile number and registered e-mail ID of the person who has filed the appeal/case/ The Scrutiny Officer shall intimate the defects within 02 days of filing the case.

	case.	
(2)	The defects shall have to be rectified/removed within 7 days of intimation, whereafter the e-file will be locked and will have to be uploaded afresh, as refiling case, using the procedure provided above.	The defects shall have to be rectified/removed within 7 days of intimation, whereafter the e-file will be locked and will have to be uploaded afresh, as refiling case, using the procedure provided under the Regulations of E-Filing [The Uttar Pradesh Real Estate Appellate Tribunal (1 <sup>st</sup> Amendment) Regulations, 2021]. If the applicant/appellant is unable to remove the defects within 7 days, the applicant/appellant shall move an application before the Registrar within 7 days for grant of more time to remove the defects explaining the difficulties. The Registrar, after examining the application, may grant 7 days' more time to remove the defects. If the defects are not removed within 7 days or within extended period given by the Registrar, the file shall be blocked permanently and physical record, if any, shall be consigned to Record Room and applicant/appellant has to file fresh appeal and limitation period for the same shall apply as per provisions of Section 44(2) of the Act.
(3)	Apart from making good a deficiency in amount of fee or deposit etc. payable, all other defects shall require a complete e-file to be uploaded afresh (refiling), after removing the defect.	Apart from making good the deficiency in amount of fee or deposit etc. payable, all other defects shall require a complete e-file to be uploaded afresh (refiling), after removing the defect.
(4)	Once an uploading of file is started, the case shall be given an allotment number	Once an uploading of file is started, the case shall be given an allotment number in draft mode itself. After

	in draft mode itself. After re-filing and removing defects a number of regular or defective appeal will be given. A notification of the same shall be sent to the person who has filed it, via SMS and email. Till all the defects are removed registration number shall not be allotted.	re-filing and removing defects, a number of regular or defective appeal will be given. A notice of the same shall be sent to the person who has filed it, via SMS or email. Till all the defects are removed, registration number shall not be allotted.
(5)	Until the defects are removed, the matter will not be placed before the Court except the defects like delay in filing the appeal / application, determination of amount under Section 43(5) or any other defect which, in the opinion of the Registry, needs to be decided by the Court.	Until the defects are removed, the matter will not be placed before the Court except the defects like delay in filing the appeal/application, determination of amount under Section 43(5) or any other defect, which in the opinion of the Registry, needs to be decided by the Court.
(6)	After registration and removal of defects, the matter shall be placed before the designated Court within 3 days unless at the time of initial upload, the legal representatives or person uploading it, has indicated a specific date for the matter to come up before the Court.	After registration and removal of defects, the matter shall be placed before the designated Court within 3 days.
(7)	The same period of 3 days shall apply to all misc. Applications etc. filed by a party.	The same period of 3 days shall apply to all Misc. Applications etc. filed by a party.

3. Regulation 24 is added in the E-filing Regulations as mentioned in Column 2:-

Regulation	Column 1	Column 2
24		“Adjournments”:- As Section

		44(5) of the Act provides that the appeal preferred under sub-section (1), shall be dealt with by the Tribunal 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, therefore, generally cases fixed will not be adjourned except on written application by parties, if appearing in person or by legal representative showing cause of adjournment and informing the other side well in advance in order to avoid inconvenience to other side especially when other side or its legal representative is coming from outside of Lucknow to attend the Tribunal's proceedings. Request of adjournment through e-mail shall be entertained only in case of parties appearing in person.
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4. Regulations 6 (vi), 6 (vii), 9, 11(ii)(i) and 12 (iii) of the U.P. Real Estate Appellate Tribunal Regulations 2019 as mentioned in Column 1 are substituted by the Regulations as mentioned in Column 2:--

<b>Regulation</b>	<b>Column 1 Existing Regulation</b>	<b>Column 2 Substituted Regulation</b>
<b>6 (vi)</b>	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	In the absence of Chairperson or the vacancy of Chairperson, a Bench of two Members or more comprising of one Judicial Member and one Administrative Member or Technical Member, will conduct the proceedings of

	Tribunal.	the Tribunal and the senior most member will preside the Bench.
<b>6(vii)</b>	In the 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.	In absence of any Member of the Bench the cause list of the said Bench will be transferred to other available Bench and the other Member will be included in the available Bench, after approval of the Chairperson.
<b>9</b>	<p><b>Presentation of Proceedings (i).</b> 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</p>	<p><b>Presentation of Proceedings (i).</b> 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</p>

	<p>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.</p>	<p>and compensation imposed on him, or with both, as the case may be, as provided under Section 43(5) of the Act. The amount deposited under Section 43(5) of the Act shall be certified by a Chartered Accountant and certificate of Chartered Accountant shall be filed by the promoter at the time of depositing the amount under Section 43(5) of the Act.</p>
<b>11(ii) (i)</b>	<p>Whether the appeal preferred by the promoter is accompanied with at least thirty per cent 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.</p>	<p>Whether the appeal preferred by the promoter 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, along with certificate of Chartered Accountant.</p>
<b>12(iii)</b>	<p>All the applications shall be supported by an affidavit. On every application, a court fee stamp of Rs.10/- shall be</p>	<p>1. All the applications shall be supported by an affidavit. All the affidavits will have photograph of the deponent along with proof of</p>

	affixed.	his/her identification.  2. On every application, a court fee stamp of Rs.10/- shall be affixed.
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5. Regulation 5 (vi) is added in Chapter IV (Dress and Discipline) in the U.P. Real Estate Appellate Tribunal Regulations, 2019, as mentioned in Column 2 below:--

<b>Regulation</b>	<b>Column 1</b>	<b>Column 2 Added Regulation</b>
<b>5 (vi)</b>		<p>The dress code for Hon'ble Chairperson and Hon'ble Members while sitting in the Court of the Tribunal shall be white shirt, black/black striped/white trousers, black coat, white neck band and judges' black gown. The shoes to be worn will also be formal leather black shoes.</p> <p>In case of female Members of the Tribunal, the dress code shall be white kurta/blouse, white salwar or saree with black border, black coat, white neck band, black judges' gown and black formal leather shoes/sandals.</p>

Sd/ 25.11.2021

**Chairman**  
**U.P. REAT**