

THE UTTAR PRADESH REAL ESTATE APPELLATE TRIBUNAL
(1ST AMENDMENT) REGULATIONS, 2021

Whereas it is expedient to frame Regulations regarding Electronic Filing (e-filing) of the cases in the U.P. Real Estate Appellate Tribunal, Lucknow, the Uttar Pradesh 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 regulations for Electronic Filing (e-filing) in the UPREAT, Lucknow.

Short Title and Commencement:--

These Regulations will be called “The Uttar Pradesh Real Estate Appellate Tribunal (1st Amendment) Regulations, 2021”. These Regulations will come into force with effect from 22nd July, 2021.

These Regulations for Electronic Filing (E-Filing) shall modify the Regulations-2019 of the Tribunal issued earlier wherever applicable.

Except as provided elsewhere in these Regulations, all memos of appeal, applications, and all pleadings/documents in fresh, pending and disposed of cases will be filed electronically in the manner hereinafter provided.

The physical copy of all electronically filed documents shall be filed within 7 days of filing electronically. This practice will continue from the date of notification of e-filing till further order. An e filing help desk shall be available at the Registry of the Tribunal on all working days from 3 to 4 p.m.

2. PREPARATION OF AN E-FILE:-

The original text material, documents, notice of motion, memorandum of parties, memo of appeal, annexures as the case may be, and interlocutory applications etc. will be prepared electronically using MS Word or Open Office, or any other word processor. The formatting style of the text will be as under:

Paper size : A4 size paper

Margins :

Top : 1.5”

Bottom : 1”

Left : 1.75”

Right : 0.5”

Justification: Full

Font : English (Arial size : 12)

Line spacing : Double

Where the document is not a text document and has to be enclosed with the appealor application or other pleadings as an annexure, it should be scanned as black & white, at a resolution of 300 dpi (dot, per inch) and saved as a PDF document.

3. PAYMENT OF FEE AND DEPOSIT etc.

The fee deposition, misc. payments etc. may to be paid through S.B.I. Collect/S.B.I. e pay fee either on the online facility or by demand draft in favour of “UP REAT” alongwith copy of receipt of the same.

The payment receipts have to be the attached with the e-file as a scanned document in actual size, as the original, failing which the case file may be treated as defective.

4. The affidavit / vakalatnama, authority letter, or any other documents where court fee or stamp is required to be affixed shall be scanned and attached so that it contains the image of the court fee/ stamp, welfare ticket etc. affixed thereon. It shall be certified that it is scanned true copy of Notary / Affidavit / documents.
5. Once all the documents have been collected they shall be attached as per the Index. The file shall be converted into Portable Document Format (PDF), using any PDF Converter and **bookmarked** as per index. The index must also be duly linked so that each entry in the index gets hyperlinked to the relevant part of the document and can be accessed from the index itself. The number of pages used in index should also be indicated.
6. The bookmarked PDF should be uploaded at the time of e-filing on the website of the Tribunal. The facility provided at the e-filing help desk in the Tribunal may be used.

7. DIGITAL SIGNATURE

All PDF's filed using the e-filing system need to be digitally signed by the filing legal representative (Each PDF file separately) or by the party concerned, where it is being filed in person.

A digital signature is required to maintain integrity of the uploaded file or document and to eliminate any chance of its tampering.

The procedure to obtain digital signatures and to digitally sign the PDF's is set out separately. If for any reason it is not digitally signed, the same should be signed physically and signed copy should be uploaded.

8. MODE OF e-FILING

The e-file can be uploaded via internet through e-filing portal of UPREAT or through the link provided at the official website of U.P. REAT for this purpose.

- (i) E-files can also be brought by the legal representatives/applicant/respondent etc.(parties) in Pen drive. A system has been provided at help desk/ e-filing counter where all concerned or their representative clerk can upload the e-file.
- (ii)The manner of accessing the e-filing portal and filling up the relevant columns for the purpose of e-filing are as follows:-

All user

- Buyer/Allottee
 - Builder/Promoter/Developer
 - Other Applicant
 - Chartered Accountant
 - Company Secretary
 - Cost Accountant
 - Legal Practitioners
 - UPRERA Officials
 - UPREAT Officials
 - Experts/Advisors
 - Competent Authority (All Development Authorities)
 - Mediators/Conciliators
 - Any other.
- User (party in person) has to provide email id and mobile number & WhatsApp number for registration. User has to enter the OTP to validate it by clicking on 'Validate OTP' button. After validation a Registration Form will open where user has to provide basic details viz. Name, password (minimum 8 characters and must contain at least one upper case letter, one lower case letter, one digit, one special character), gender, Date of Birth (DoB), other contact number, address, pin etc. to be checked.
 - In case of a legal representative, login ID shall be made by the legal representatives. The Legal Representative has to enter the OTP to validate it by clicking on 'Validate OTP' button. The Legal Representative should change the initial password after registration for better security.

(B) Case Filing:

(B-1) User has to login with login Id and password.

(B-2) After login a dashboard will appear. For this section please refer to user manual available on help centre of e-filing portal.

9. REPORT OF SCRUTINY OFFICER LEVEL I & II

- (1) 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 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.
- (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
- (4) Once an uploading of file is started, the case shall be given an allotment number in draft mode itself. After refiling 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.

(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.

(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.

(7) The same period of 3 days shall apply to all misc. Applications etc filed by a party.

10. DEFECTS TO BE DECIDED BY THE REGISTRAR

The Registrar shall decide:

- (1) Regarding removal of any deficiency in the appeal.
- (2) Prima-facie determination of the amount to be deposited under Section 43 (5) of the Act by promoter at the time of filing of appeal and check & compare the amount with Chartered Accountant Certificate submitted by the appellant.
- (3) Questions arising in connection with the payment of Court-fees.
- (4) Issuance of certified true copy of any order/document.
- (5) In case of any doubt, the Registrar shall submit the appeal before the concerned Court of the Tribunal with his opinion/reasons.

11. CHECKLIST FOR SCRUTINY OF APPEAL AND LIST OF DOCUMENTS

Filing No..... Date.....

Appeal No. Complaint No/ Ref. No.

Parties..... Vs.

1.	Legal Provisions : U/Sec	of RERA Act	Yes/No
2.	Whether the appeal is complete.		Yes/No
3.	Whether the name of the parties and their address are properly mentioned in the Appeal Memo or 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 filed with appeal. If not, raise its objection.	Yes/No
9.	Whether requisite fees is paid If yes, copy of the receipt and 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 amount required under Section 43 (5) of the Act deposited. ii) Whether Certificate of Chartered Accountant for amount to be deposited under Section 43 (5) of the Act filed.	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
14	Whether documents uploaded in the appeal are as per e-filing instruction issued by UPREAT or not	

Signature of the Dealing Assistant

Registrar, UPREAT

- 12.** After e-filing by the applicant/appellant the message/link/e-mail shall be sent to the respondent, the respondent may file reply by creating user ID & uploading documents directly or through Legal Representatives.

13. COMPUTATION OF TIME

(1) Electronic filing through the e-filing centre is permissible during any time of the day on the date of filing. All other rules relating to holidays etc. for the purpose of computation of limitation, as specified in the Rules of the UP REAT will apply to online electronic filing as well. The period during which e-filing system is inoperational for any reason will be excluded from the computation of such time. This, however, will not extend limitation for such filing for which the facility of Section 44 (2) of Real Estate Regulatory Authority (RERA) Act, 2016 or any other statutory extension of period of limitation is not available.

(2) For electronic filing done through the help desk of e-filing counter in the Registry of UP

REAT premises, the rules relating to time for the purposes of limitation will be no different from those applicable for the normal filing.

(3) As and when the facility of electronic online filing commences, such electronic online filing through the internet would be permissible up to midnight on the date of filing.

14. SERVICE OF ELECTRONIC DOCUMENTS

- (1) As per e-filing system of the Tribunal, the moment memo of appeal is uploaded on e-portal of U.P. R.E.A.T., a link is generated and sent to the respondent on the e-mail address/ mobile number furnished by the appellant and respondent can download the entire appeal along with its annexures and this will be treated as sufficient service on the respondent.
- (2) It will be sole responsibility of the applicant/appellant to enter correct email address of the respondent in order to ensure service on the respondent. In case of any discrepancy/non-service on account of wrong mobile number/email address of the respondent, it will be sole responsibility of the applicant/appellant and accordingly the consequences will follow.
- (3) The Court may issue further notices to the respondent either electronically or through postal department or through dasti summons or any other mode.

15. CAVEATS, SUPPLEMENTARY AFFIDAVITS/DOCUMENTS ETC.

Caveats can be registered, and all written statements, counter and rejoinder affidavits, documents, applications in pending matters or in disposed of matters, can be filed electronically using the e-filing system.

16. AMENDMENT IN PLEADINGS:

- a. E-filing of amendments in pleadings shall be permitted/ possible electronically only after the amendment application is allowed by the UP REAT Court. The option/ facility for uploading amended pleading electronically will be available only during the period permitted by the Tribunal.
- b. After the amendment application has been allowed, the parties/legal representatives shall have to upload a fresh amended copy of the entire pleading so permitted to be amended showing the original pleading which should be struck out by a single line and should incorporate the actual amendment in **red font colour**.

17. RETENTION OF ORIGINALS

- (1) The originals of the documents that are scanned and digitally signed either by counsel or parties in person at the time of e-filing should be preserved for production if so required by the court at any time. In any event, signed Vakalatnama, signed and notarized/attested affidavit and any other document whose authenticity is likely to be questioned should be preserved at least for a period of two years or more, if law provides, after the final disposal of the case: (Final disposal shall include disposal of appeals if any).
- (2) The responsibility for producing the originals and proving their genuineness,

if required, shall be of the party that has electronically filed the scanned copies thereof.

- (3) The Court Fee or stamp affixed on the documents shall not be reused and original shall be made available whenever required by the Tribunal.

18. ACCESS TO ELECTRONIC DOCUMENTS

Access to documents and Appeals/pleadings filed electronically in a case will be provided only to legal representatives of parties in that case and the concerned parties themselves.

19. HARD COPIES OF PLEADINGS/ DOCUMENTS FILED ELECTRONICALLY

Legal representatives as well as parties can print hard copies of all pleadings and documents filed electronically for their use in the court or elsewhere.

20. CASE LAW RELIED UPON

Along with the e-file to be uploaded, the Legal representatives or party will furnish a list of cases / judgments relied upon with full citation. The physical copy of the documents along with the judgments relied upon will be filed in the Registry at least three days before the next date of listing.

21. BACKLOG DATA UPLOADING IN ONGOING CASE

The parties/legal representatives are required to upload their reply/objections/documents on the e-portal of the U.P. REAT and submit the originals of the same in the Registry at least three days before the next date of listing.

22. SERVICE OF DOCUMENTS/PLEADING TO OPPOSITE PARTY:

- (1) As per e-filing system of the Tribunal, the moment memo of appeal is uploaded on e-portal of U.P. R.E.A.T., a link is generated and sent to the respondent on the e-mail address furnished by the appellant and respondent can download the entire appeal along with its annexures. The respondent may upload & file objections, if any, expeditiously. After objections of the respondent, the appellant/applicant may also file reply/rejoinder within reasonable time. The parties will upload their respective pleadings expeditiously, in order to enable the Tribunal to hear and dispose the appeal expeditiously and achieve the mandate provided under Section 44 (5) of the Real Estate (Regulation and Development) Act, 2016 regarding disposal of the appeal within a period of sixty days from the date of receipt of appeal.
- (2) Parties are also required to send their pleading/reply/objection/documents on e-mail id of opposite parties in case of all ongoing cases.

23. GENERAL GUIDELINES FOR REGISTRATION OF APPEALS

- (1) Only a complainant in U.P.RERA/ Allottee/ Promoter/any person aggrieved by the order or direction of U.P.RERA can register an appeal against a promoter/builder/buyer/agent etc.
- (2) Password must contain atleast one digit from 0-9, one lower case character, one upper case character, one special symbol and total length of at least 6 characters and maximum length of 30 characters.

- (3) The user details provided during the registration will be used as the details of the appeal and all the communications will be made on the same, unless the details under the profile section are changed.
- (4) The mobile number, email address and correspondence address provided for registration can be changed, once at a time by way of OTP (such OTP for changing mobile no. will be sent to registered Email and vice versa).
- (5) All the communications to the parties will be sent at the latest updated mobile no. and email id provided under profile information.
- (6) All the fields marked * are mandatory.
- (7) Documents only upto the size of 20 MB can be uploaded. Correct details of the respondent, e-mail id and mobile number etc are to be provided by the appellant.
- (8) The file types to be uploaded should be.pdf, .jpeg, .png, .jpg. It is recommended to upload .pdf files to ensure faster upload and download. In case of large file, please compress the files using any of the online available 3rd party software.
- (9) All the Uploaded Documents must be perfectly legible.
- (10) Documents not legible will not be treated as valid documents.
- (11) It is required to upload complete documents, i.e. all the pages of the document.
- (12) The Regulations for Electronic Filing (e-filing) in UPREAT shall be updated/modified from time to time as and when required. The same shall be notified on website of UPREAT.

Dated: 9th July, 2021

Sd/
Chairman
U.P.REAT