

[A.F.R.]



2026:AHC-LKO:3274

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

MATTERS UNDER ARTICLE 227 No. - 71 of 2026

Ar Landcraft Llp Ltd. Liability Partnership Thru. its Auth. Sign.
.....Petitioner(s)

Versus

U.P. Real Estate Appellate Tribunal Thru. its Registrar Lko. and 2 others
.....Respondent(s)

Counsel for Petitioner(s) : Utkarsh Srivastava, Abhinav Kumar
Mathur, Prashast Puri, Shreyash
Shukla, Varun Singh
Counsel for Respondent(s) :

And.

MATTERS UNDER ARTICLE 227 No. - 72 of 2026

Ar Landcraft Llp Thru. Authorized Signatory
.....Petitioner(s)

Versus

U.P. Real Estate Appellate Tribunal Thru. Registrar Lko. and 2 others
.....Respondent(s)

Counsel for Petitioner(s) : Utkarsh Srivastava, Abhinav Kumar
Mathur, Prashast Puri, Shreyash
Shukla, Varun Singh
Counsel for Respondent(s) : Prashant Singh Gaur

And.

MATTERS UNDER ARTICLE 227 No. - 73 of 2026

Ar Landcraft Llp Thru. Authorized Signatory
.....Petitioner(s)

Versus

U.P. Real Estate Appellate Tribunal Thru. Registrar Lko. and 3 others
.....Respondent(s)

Counsel for Petitioner(s) : Utkarsh Srivastava, Abhinav Kumar
Mathur, Prashast Puri, Shreyash
Shukla, Varun Singh
Counsel for Respondent(s) :

And.

MATTERS UNDER ARTICLE 227 No. - 74 of 2026

Ar Landcraft Llp Ltd. Liability Partnership Thru. Auth. Sign.
.....Petitioner(s)

Versus

U.P. Real Estate Appellate Tribunal Thru. Registrar and 2 others
.....Respondent(s)

Counsel for Petitioner(s) : Abhinav Kumar Mathur, Prashast
Puri, Shreyash Shukla, Utkarsh
Srivastava, Varun Singh
Counsel for Respondent(s) : Prashant Singh Gaur

And.

MATTERS UNDER ARTICLE 227 No. - 76 of 2026

Ar Landcraft Llp a Ltd. Liability Partnership Thru. Authorized Signatory
.....Petitioner(s)

Versus

U.P. Real Estate Appellate Tribunal Thru. Registrar Lko. and 2 others
.....Respondent(s)

Counsel for Petitioner(s) : Utkarsh Srivastava, Abhinav Kumar
Mathur, Prashast Puri, Shreyash
Shukla, Varun Singh
Counsel for Respondent(s) :

Along with

MATTERS UNDER ARTICLE 227 No. - 77 of 2026

Ar Landcraft Llp, Ltd Liability Partnership Thru. Auth. Signatory

.....Petitioner(s)

Versus

U.P. Real Estate Appellate Tribunal Thru. Registrar Lko. and 2 others

.....Respondent(s)

Counsel for Petitioner(s) : Prashast Puri, Abhinav Kumar
Mathur, Shreyash Shukla, Utkarsh
Srivastava, Varun Singh

Counsel for Respondent(s) :

Court No. - 17**HON'BLE SUBHASH VIDYARTHI, J.**

1. Heard Shri Jaideep Narayan Mathur Senior Advocate assisted by Shri Utkarsh Srivastava, Shri Prashast Puri, Shri Abhinav Mathur, Shri Vinit Trehan, Shri Ashir Rohan Malik, Shri Shantanu Parashar and Shri Yash Srivastava Advocates, the learned Counsel for the petitioner in all the connected petitions and Shri Javed-ur-Rahman Advocate holding brief of Shri Prashant Singh Gaur Advocate, the learned counsel for the respondent No.3 in Petition Nos.72 of 2026 and 74 of 2026, who states that he has instructions to appear in all the petition Nos.71 of 2026, 73 of 2026, 76 of 2026 and 77 of 2026, as he is appearing for the respondent No.3 in all the appeals before the U.P. Real Estate Appellate Tribunal, from which these petitions arise.
2. As all the petitions arise from one judgment and order passed by the Real Estate Appellate Tribunal, all the petitions are being decided together. The learned Counsel for the petitioners have filed supplementary affidavits in all the connected petitions and the same are taken on record.
3. By means of all these petitions filed under Article 227 of the Constitution of India, the petitioner has challenged the validity of a judgment and order dated 12.12.2025 passed by the U. P. Real Estate Appellate Tribunal, Lucknow (hereinafter referred to as the Appellate

Tribunal) dismissing the Appeal Nos.196 of 2024, 48 of 2024, 49 of 2024, 195 of 2024, 197 of 2024 and 394 of 2024 under Section 44 of the Real Estate (Regulation and Development) Act, 2016 (which will hereinafter be referred to as “the RERA Act”) filed by the petitioner against the respondent No.3 in all the petitions.

4. At the outset, the learned counsel for the petitioner has submitted that the petitioner has impleaded the U.P. Real Estate Appellate Tribunal and its Registrar as an opposite party Nos.1 and 2 after much deliberation keeping in view the peculiar facts and circumstances of the case, in spite of the law laid down by the Hon'ble Supreme Court in the cases of **Savitri Devi v. District Judge, Gorakhpur**, (1992) 2 SCC 577 and **Jogendrasinhji Vijaysinghji v. State of Gujarat & Ors.**, (2015) 9 SCC 1.
5. Briefly stated, the facts giving rise to these petitions are that six appeal Nos.196 of 2024, 48 of 2024, 49 of 2024, 195 of 2024, 197 of 2024 and 394 of 2024 were heard by a Bench of the Appellate Tribunal consisting of three members - (i) Hon'ble Mr. Justice Suneet Kumar, Chairman, (ii) Mr. Sanjai Khare, Judicial Member and (iii) Mr. Devindar Singh Chaudhary, Technical Member, on 07.11.2025 and judgment was reserved by the Bench consisting of the aforesaid three members. However, the appeals have been dismissed on 12.12.2025 by a judgment authored and delivered by a Bench consisting of the Chairman and Mr. Rameshwar Singh, Administrative Member, who was not a member of the Bench which had heard the appeals.
6. The petitioner has filed supplementary affidavits in all the petitions stating that subsequent to filing of the petitions, the opposite party no. 3 filed applications for review of the judgment dated 12.12.2025, which were listed on and were disposed off on 12.01.2026 by a Bench consisting of the Chairman and Mr. Rameshwar Singh, Administrative Member, directing that the records of the connected cases be placed before a Bench comprising of Mr. Sanjai Khare, Judicial

Member and Mr. Devindar Singh Chaudhary, Technical Member, for the purpose of expressing their views / opinion on the judgment and order dated 12.12.2025 and / or passing appropriate orders thereon.

7. The learned Counsel for the petitioner has submitted that the impugned judgment has been passed in stark violation of the fundamental principles of judicial procedure, which require the Bench hearing a matter to decide the same. This fundamental deviation from judicial procedure goes to the root of the matter and vitiates the entire adjudication, as the judgment is *coram non iudice*. The judgment has been passed in violation of the principles of natural justice as Mr. Rameshwar Singh, Administrative Member of the Appellate Tribunal, who has decided the appeals, has not heard the submissions of the parties in appeal and he was not in a position to adjudicate upon the same.
8. The learned Counsel for the petitioner has further submitted that the Bench of the Appellate Tribunal has committed another error apparent on the face of the record while disposing off the review petitions by the order dated 12.01.2026 requiring the other members who had heard the appeals on 07.11.2025, to express their views / opinion on the judgment and order dated 12.12.2025 and / or pass appropriate orders thereon, as the direction requiring the other two members to express an opinion or view on a void and non-est order is unknown to law and dehors the statutory scheme.
9. Relying upon the provision contained in Section 55 of the R.E.R.A, Act, the learned counsel for the respondent No.3 has submitted that any defect in the constitution of the Appellate Tribunal will not invalidate the judgment of the tribunal.
10. Although the learned counsel for the respondent No.3 has opposed the petitions, the respondent No.3 in all the petitions have themselves filed the review applications before the Appellate Tribunal stating that the judgment dated 12.12.2025 suffers from an error which is apparent

on the face of the record as the appeals were heard by a Bench of the Appellate Tribunal consisting of three members - (i) Hon'ble Mr. Justice Suneet Kumar, Chairman, (ii) Mr. Sanjai Khare, Judicial Member and (iii) Mr. Devindar Singh Chaudhary, Technical Member, on 07.11.2025 and judgment was reserved by the Bench consisting of the aforesaid three members, but the appeals have been dismissed by a judgment delivered on 12.12.2025 by a Bench consisting of the Chairman and Mr. Rameshwar Singh, Administrative Member, who was not a member of the Bench which had heard the appeals.

11. Section 55 of the R.E.R.A. Act is as follows: -

“55. Vacancies, etc., not to invalidate proceeding of Appellate Tribunal.— No act or proceeding of the Appellate Tribunal shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Appellate Tribunal; or

(b) any defect in the appointment of a person acting as a Member of the Appellate Tribunal; or

(c) any irregularity in the procedure of the Appellate Tribunal not affecting the merits of the case.”

12. In the present case, the six appeals were heard by a Bench of the Appellate Tribunal consisting of three members - (i) The Chairman, (ii) Mr. Sanjai Khare, Judicial Member and (iii) Mr. Devindar Singh Chaudhary, Technical Member, on 07.11.2025 and judgment was reserved by the Bench consisting of the aforesaid three members. The appeals have been dismissed on 12.12.2025 by a judgment authored and delivered by a Bench consisting of the Chairman and Mr. Rameshwar Singh, Administrative Member, who was not a member of the Bench which had heard the appeals. This Court fails to understand as to how has Mr. Rameshwar Singh referred to and dealt with the submissions of the learned Counsel for the appellant and the learned Counsel for the respondent, when he had not heard the submissions and how did he reject the submissions of the learned Counsel for the appellant.

13. Clause (c) of Section 55 of the Act provides that no act or proceeding of the Appellate Tribunal shall be invalid merely by reason of any irregularity in the procedure of the Appellate Tribunal not affecting the merits of the case. Delivery of judgment by a member who has not heard submissions in the appeals is not a mere irregularity in the procedure adopted by the Appellate Tribunal which does not affect the merits of the case, rather such a judgment is nullity in the eyes of law as it has been passed in violation of the fundamental principles of judicial procedure, which require the Bench hearing a matter to decide the same. The judgment has been passed in violation of the principles of natural justice as Mr. Rameshwar Singh, Administrative Member of the Appellate Tribunal has not given any opportunity to the appellant to advance submissions in support of the appeal and he has referred to and rejected the submissions of the appellant without hearing the same. This defect vitiates the judgment dated 12.12.2025.
14. Apparently, in the present case, neither there was any vacancy in the Appellate Tribunal nor is this a case of a mere defect in constitution of the Tribunal while authoring and delivering the judgment dated 12.12.2025 not affecting the merits of the case. Decision of appeals on merits by a Bench which has not heard the submissions in appeal and yet referring to the submissions advanced by the learned Counsel for the appellant and the learned Counsel for the respondent and thereafter rejecting the submissions of the learned Counsel for the appellant and dismissing the appeal on merits, cannot be said to be merely an irregularity in the procedure of the Appellate Tribunal not affecting the merits of the case.
15. Therefore, Section 55 of the Act does not protect the validity of the impugned judgment dated 12.12.2025. Further, Section 55 of the Act does not support or protect the order dated 12.01.2026 disposing off the review application by ordering that the judgment delivered by the Chairman and an Administrative Member be placed before the other two

members who were a part of the Bench which had heard the appeals on 07.11.2025 when the judgment was reserved, for obtaining their views.

16. Sections 43 of the Act is also relevant to understand the true scope and effect of Section 55 of the Act and it is being reproduced below: -

“43. Establishment of Real Estate Appellate Tribunal. - (1) The appropriate Government shall, within a period of one year from the date of coming into force of this Act, by notification, establish an Appellate Tribunal to be known as the (name of the State/Union Territory) Real Estate Appellate Tribunal.

(2) The appropriate Government may, if it deems necessary, establish one or more benches of the Appellate Tribunal, for various jurisdictions, in the State or Union Territory, as the case may be.

(3) Every Bench of the Appellate Tribunal shall consist of at least one Judicial Member and one Administrative or Technical Member.

(4) The appropriate Government of two or more States or Union Territories may, if it deems fit, establish one single Appellate Tribunal:

Provided that, until the establishment of an Appellate Tribunal under this section, the appropriate Government shall designate, by order, any Appellate Tribunal functioning under any law for the time being in force, to be the Appellate Tribunal to hear appeals under the Act:

Provided further that after the Appellate Tribunal under this section is established, all matters pending with the Appellate Tribunal designated to hear appeals, shall stand transferred to the Appellate Tribunal so established and shall be heard from the stage such appeal is transferred.

(5) Any person aggrieved by any direction or decision or order made by the Authority or by an adjudicating officer under this Act may prefer an appeal before the Appellate Tribunal having jurisdiction over the matter:

Provided that where a promoter files an appeal with the Appellate Tribunal, it shall not be entertained, without the promoter first having deposited with the Appellate Tribunal at least thirty per cent of the penalty, or such higher percentage as may be determined by the Appellate Tribunal, or the total amount to be paid to the allottee including interest and compensation imposed on him, if any, or with both, as the case may be, before the said appeal is heard.

Explanation.—For the purpose of this sub-section “person” shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force.”

17. In **Shashank Gupta v. Vatika Nirman (P) Ltd.**: 2025 SCC OnLine All 6449, a coordinate Bench of this Court has dealt with the effect of Section 55 of the RERA Act in the following manner: -

*“19. On a plain reading of the prescriptions as extracted herein-above, it is clear that **there is a distinction between the Appellate Tribunal, which has to be established in terms of Chapter-VII and the Bench which is to be established for hearing in the Appellate Tribunal. The use word ‘Bench’ in Section 43(3) of the Act, clearly marks out a distinction between the phrases used in Section 43(3) and Section 45 of the Act. Section 55 of the Act is an enabling provision, which has been incorporated to protect any orders, which can be challenged in case any appointment to the Appellate Tribunal or any defect pertaining to the Appellate Tribunal surfaces subsequent thereto. Much emphasis is placed on Section 55(c) of the Act.***

*20. I am of the firm view that **Section 55(c) of the Act would also not rectify the defect of constitution of a Bench as prescribed under Section 43(3) of the Act as it has been incorporated only to save any irregularity in the procedure of the Appellate Tribunal and cannot be read to mean to cure the irregularities in the constitution of the Bench.**”*

18. I am in complete agreement with the above quoted view taken by the coordinate Bench of this Court. Therefore, the impugned judgment is not protected by the provision contained in Section 55 of the RERA Act, more particularly, when the respondents in all the appeals, in whose favour the appeals have been decided, have themselves filed applications for review of the judgment and order dated 12.12.2025 stating that the appeals were heard extensively by a Bench consisting of the Chairman of the Appellate Tribunal along with Mr. Sanjai Khare, Judicial Member and Mr. Devindar Singh Chaudhary, Technical Member, but the judgment has been delivered by a Bench consisting of the Chairman and Mr. Rameshwar Singh, Administrative Member.
19. On 12.01.2026, a Bench of the Appellate Tribunal consisting of the Chairman and Mr. Rameshwar Singh Administrative Member, has disposed off the review applications by the following order: -

- “1. Heard learned counsel for the parties and perused the record.*
- 2. The respondent-applicant has filed the present review petition, seeking review of the order dated 12.12.2025, it is submitted that the matter was heard by a larger Bench and the judgment came to be reserved on 07.11.2025, however, the judgment has been delivered by a Bench other than the Bench that had heard the matter.*
- 3. The Registry informs that due to inadvertent human error/administrative lapse, the case was wrongly placed for delivery of judgment before the present Bench that had not heard the matter while reserving the judgment. The mistake is not willful or deliberate but due to human error.*
- 4. It has been informed that the matter was proceeding before the Bench, comprising of Chairman and Technical Member, however, on the date of final hearing, the matter was heard by the Larger Bench.*
- 5. The learned counsel for the applicant submits that though the error is human error, and does not go to the root of the matter, in the circumstances, since the judgment has been authored by Hon’ble the Chairman, it would be appropriate to place the judgement/order under review before the Bench comprising of other two Members, namely, Judicial Member and Technical Member for passing appropriate order/opinion thereon.*
- 6. Learned counsel appearing for the appellant-promoter submits that the affidavit to the review petition has been sworn prior to filing of application; **it is further submitted that against the judgment and order under review, the appellant has filed a petition under the supervisory jurisdiction of Hon’ble High Court, under Article 227 of the Constitution of India;** and finally it is submitted that malicious allegation has been made against the Registry for placing the matter before a Bench for delivery of the judgment that had not heard the matter. Learned counsel for the appellant-promoter supplied a written note dated 12.01.2026 on the review application after duly being served to the applicant-respondent raising the aforementioned objections. Learned counsel for the applicant-respondent does not propose to file any objection.*
- 7. In rebuttal, learned counsel appearing for the applicant-respondent submits that the averments made in para-6 has not been properly worded, accordingly, it is submitted that the applicant would not press the petition to that extent. It is further submitted that submissions of learned counsel for the appellant is incorrect. The affidavit of review petition was sworn on 04.01.2026, whereas, the date of the application is 08.01.2026 duly filed, with the Registry of the Tribunal on*

09.01.2026. It is urged there is no deficiency in the review petition. He further submits that the application may be taken only to the extent of informing the Court of the technical/human error, committed by the Registry in placing the matter for delivery of judgment before the wrong Bench.

8. Be that as it may, without entering into the rival contentions, since the error that is being pointed out is of the Registry of this Tribunal, which requires to be set in order.

9. In view, thereof, it is proposed that the judgment under review shall be placed along with the records of the connected appeals before the Bench, comprising of Judicial Member (Hon'ble Sanjai Khare) and Technical Member (Hon'ble Devindar Singh Chaudhry) to express their view/opinion on the judgment and order dated 12.12.2025, and/or pass appropriate orders thereon.

10. Review application is, accordingly, disposed of.

11. The Registrar shall call for an explanation from the concerned officials as to how case was listed before the wrong Bench for delivery of judgment and submit a report."

20. It is apparent from a bare reading of the order dated 12.01.2026 disposing off the review application that it was informed to the Appellate Tribunal that against the judgment and order under review, the appellant has filed a petition under the supervisory jurisdiction of Hon'ble High Court, under Article 227 of the Constitution of India and yet the review application has been disposed off.

21. In this regard it is relevant to note that Section 53 of the RERA Act provides as follows: -

"53. Powers of Tribunal.—(1) The Appellate Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice.

(2) Subject to the provisions of this Act, the Appellate Tribunal shall have power to regulate its own procedure.

(3) The Appellate Tribunal shall also not be bound by the rules of evidence contained in the Indian Evidence Act, 1872 (1 of 1872).

(4) The Appellate Tribunal shall have, for the purpose of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) issuing commissions for the examinations of witnesses or documents;

(e) reviewing its decisions;

(f) dismissing an application for default or directing it ex parte; and

(g) any other matter which may be prescribed.

(5) All proceedings before the Appellate Tribunal shall be deemed to be judicial proceedings within the meaning of Sections 193, 219 and 228 for the purposes of Section 196 of the Indian Penal Code (45 of 1860), and the Appellate Tribunal shall be deemed to be civil court for the purposes of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974)."

22. Thus, RERA Act has conferred the same powers of review of decisions on the Appellate Tribunal as are vested in a Civil Court under the Code of Civil Procedure, 1908. Order XLVII Rule 1 (1) of the Civil Procedure Code, 1908 provides that an application for review may be filed against an order from which an appeal is allowed, but from which no appeal has been preferred.

23. Although strictly speaking, a petition under Article 227 of the Constitution of India is not an appeal, but the purpose of an appeal is scrutiny of an order passed by any Court or Tribunal by a superior Court or Tribunal and so is the purpose of a petition under Article 227 of the Constitution of India filed before this Court. Therefore, the principle barring maintainability of review applications after filing of appeals would apply to review of order of the Appellate Tribunal after its validity has been challenged before the High Court by filing a petition under Article 227 of the Constitution of India. When the Appellate Tribunal

was apprised about filing of the petition under Article 227 of the Constitution of India challenging the validity of the judgment dated 12.12.2025, the Appellate Tribunal ought to have refrained from entertaining the review application and the interference made by the Appellate Tribunal in the review application is unsustainable in law.

24. Delivery of judgment is an essential judicial function of the Appellate Tribunal, which is performed by its Benches. A Bench of the Appellate Tribunal consisting of the Chairman, Mr. Sanjai Khare, Judicial Member and Mr. Devindar Singh Chaudhary, Technical Member had heard submissions and reserved the judgment in the appeals and the same Bench ought to have authored and delivered the judgment. The judgment has been delivered by a Bench consisting of the Chairman and Mr. Rameshwar Singh, Administrative Member whereas Mr. Rameshwar Singh Administrative Member had not heard the submissions in the appeal and yet he has dealt with the submissions in detail and has rejected the submissions of the learned Counsel for the appellant. This error apparent on the face of the record has been committed by the Bench consisting of the Chairman and Mr. Rameshwar Singh, Administrative Member of the Appellate Tribunal. However, in the order dated 12.01.2026 passed in review applications, the Tribunal has attributed the error to the Registry of the Appellate Tribunal,
25. The order dated 12.01.2026 has directed the Registrar of the Appellate Tribunal to call for an explanation from the concerned officials as to how the case was listed before the wrong Bench for delivery of judgment and submit a report. Even if the registry had committed an error in listing the matter for delivery of judgment before a wrong Bench, it was for the members of the Bench to apply their minds before signing and delivering the judgment. The error committed by the Bench of the Tribunal in signing and delivering a judgment when one of the members of the Bench had not heard the appeals, cannot be attributed to the Registry of the Appellate Tribunal.

26. By means of the order 12.01.2026 passed in the review applications, the Bench consisting of the Chairman and Mr. Rameshwar Singh, Administrative Member has proposed that the judgment under review shall be placed along with the records of the connected appeals before the Bench, comprising of Mr. Sanjai Khare, Judicial Member and Mr. Devindar Singh Chaudhary, Technical Member to express their view/opinion on the judgment and order dated 12.12.2025, and/or pass appropriate orders thereon. The judgment dated 12.12.2025 having been authored and delivered by a Bench which had not heard the submissions, has been passed without jurisdiction and it is unsustainable in law. This illegality cannot be cured by committing another illegality of obtaining the views / opinion of the other two members, as this procedure is unknown to law. A judgment cannot be delivered by a two member Bench, one of whom had not heard the submission in the appeal and views of the other two members be obtained thereon subsequently.
27. The purpose of constituting multi-member Benches is that more than one person applies his/her mind to the lis to be adjudicated and it is not contemplated that only the Chairman of the Tribunal decides the matters and the other member/members remain mute spectators during the hearing and they merely put their signatures on the judgment without any independent application of their minds. When a matter is heard and decided by a multi-member Bench, the views of all members constituting the Bench are reflected by the judgment delivered by the Bench. In case the members concur, a single judgment is delivered which is signed and authenticated by all the members who may expressly state that they concur with the view of the author of the judgment or who may simply sign the judgment expressing their implied concurrence with the views of the author of the judgment.
28. A judgment in a matter heard by a three member Bench cannot be authored and delivered by a two member Bench, one member of which had not heard the submissions in the matter. Views of the other members

who had heard submissions in the matter cannot be taken after the judgment has been signed and delivered by another Bench.

29. The learned counsel for the respondent No.3 could not dispute the fact that while deciding the review application, when an error apparent on the face of the record has been made out, the order should have been recalled in toto and the matter should have been placed before any Bench for re-adjudication. However, the learned counsel for the respondent No.3 has submitted that this prayer could have been made before the Appellate Tribunal itself.
30. While exercising its power of superintendence conferred by Article 227 of the Constitution of India, this Court can certainly interfere in the orders passed by the Real Estate Appellate Tribunal when the orders have been passed in a manner unknown to law more particularly, when the Appellate Tribunal has committed another error on the face of record by shifting the responsibility of the error committed by the Bench upon the registry of the Appellate Tribunal and ordering to place the erroneously delivered judgment before another Bench for obtaining its views.
31. In view of the foregoing discussion, I am of the considered view that the judgment dated 12.12.2025 authored and delivered by a Bench consisting of the Chairman and Mr. Rameshwar Singh, Administrative Member, in appeals which were heard by a three member Bench consisting of the Chairman, Mr. Sanjai Khare, Judicial Member and Mr. Devindar Singh Chaudhary Technical Member, is unsustainable in law. Further, the order dated 12.01.2026 whereby the review applications have been disposed off by a Bench consisting of the Chairman and Mr. Rameshwar Singh, Administrative Member by directing that the judgment sought to be reviewed be placed with the records of the connected appeals before the Bench comprising of Mr. Sanjai Khare, Judicial Member and Mr. Devindar Singh Chaudhary, Technical

Member, to express their views/opinion on the judgment and order dated 12.12.2025, is also unsustainable in law.

32. Accordingly, all the petitions are allowed. The judgment dated 12.12.2025 passed in appeal Nos.196 of 2024, 48 of 2024, 49 of 2024, 195 of 2024, 197 of 2024 and 394 of 2024 and the orders dated 12.01.2026 passed in review applications are hereby **set aside**.

33. The appeals are remanded to U.P. Real Estate Appellate Tribunal for being decided afresh. Since the Hon'ble Chairman of the Appellate Tribunal has already delivered his judgment sitting with another member who had not heard the appeals, which judgment has been set aside by this order, keeping in view the peculiar facts and circumstances of the case, it is directed that the appeals will be placed before a Bench consisting of members other than the members constituting the Bench which has delivered the judgment and order dated 12.12.2025. The appeals will be heard and decided expeditiously, without granting any unnecessary adjournment to any of the parties, after giving adequate opportunity of hearing to the parties concerned and after taking into consideration their submissions and keeping in view the statutory mandate contained in Section 44 (5) of the R.E.R.A. Act.

(Subhash Vidyarthi,J.)

January 13, 2026

-Amit K-