

**BEFORE THE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL, MUMBAI**

11) Appeal No. AT006000000133946/22

Mr. Sanjay Darooka ... Appellant

V/s.

M/s. Shanti Enterprises & Ors. ... Respondents

Alongwith

M.A. No. 967/22 (Delay)

In

12) Appeal No. AT006000000133974/22

M/s Shanti Enterprises & Ors. ... Applicants

V/s.

Mr. Sanjay Darooka ... Non-applicant

*Adv. Ms. Shivani Shukla for Appellant in Sr. No. 11 and for
Respondent in Sr. No. 12*

*Adv. Mr. Ameya Khot for Respondents in Sr. No. 11 and for
Appellants in Sr. No. 12*

**CORAM : SHRIRAM R. JAGTAP, MEMBER (J) &
DR. K. SHIVAJI, MEMBER (A)**

DATE : 7th February, 2024

(THROUGH VIDEO CONFERENCE)

Appeal No. 133946/22

Record reveals that despite service of intimation of next date of hearing in writing on Respondent Nos. 3 and 4, they did not

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appear. As a result thereof, by order dated 28th November, 2023, Appeal has been proceeded ex-parte against Respondent Nos. 3 and 4.

Learned Counsel seeks time to file written submissions.

Granted.

Appeal No. 133974/22

Record further reveals that Respondent Nos. 1 and 2 have not filed reply to Appeal despite having ample opportunity, as a result thereof by order 13th September, 2023, Appeal has been proceeded without reply of Respondent Nos. 1 and 2.

However, in order to give reasonable opportunity, Respondent Nos. 1 and 2 are permitted to file their written submissions on the next date and serve copy to the other side, failing which Appeal will be proceeded without written submissions of Respondent Nos. 1 and 2.

Advocate Ms. Shivani Shukla seeks time to file written submissions.

Granted.

Stand over to 25th April, 2024 for filing written submissions by the parties.

Appeal No. 133974/22 – M.A. No. 967/22 (Delay)

Advocate Mr. Ameya Khot seeks adjournment for argument on delay condonation only on the ground that the Appellants are not in city.

The ground put forth by learned Advocate Mr. Ameya Khot appears to be flimsy. Besides the progress of the matter is at standstill

because of Applicants only, on the last date last chance was granted to Applicants.

Despite this, today Advocate Mr. Ameya Khot showed his inability to argue the delay condonation application only on the aforesaid ground.

In order to give fair and reasonable opportunity last chance is granted subject to cost of Rs.15,000/-. Applicants shall pay cost of Rs.15,000/- to Non-applicant i.e. Allottee on or before the next date. Cost is a condition precedent.

Stand over to 25th April, 2024 for hearing on delay condonation Application i.e. Misc. Application No. 967/22.


(DR. K SHIVAJI)


(SHRIRAM R. JAGTAP)

SPK/11-12