

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**MISC. APPLICATION NO. 598 OF 2023 (Delay)
IN
APPEAL NO. AT006000000174640 OF 2023**

Mr. Yogesh Joshi & Anr.

... Applicants

-VS-

Mauli Sai Developers Pvt. Ltd.

... Non-applicant

Mr. S. Parthasarthy, Advocate for Applicants.

Mr. Jaineel Vashi, Advocate for Non-applicant.

CORAM : SHRI SHRIRAM R. JAGTAP, MEMBER (J) &

DR. K. SHIVAJI, MEMBER (A)

DATE : 29th APRIL, 2024

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

MISC. APPLICATION NO. 598/2023

By filing this application, learned counsel for Applicants submit that applicants are seeking to condone the delay of 10 days in filing the captioned appeal.

2] He further submits that the said delay happened mainly because the Applicants have approached Non-applicant promoter for execution of the impugned order dated 02.06.2023 as has been clearly



set-out in para 5 of the application. Even after follow-ups, Non-applicant has not complied with the impugned order and has not executed agreement for sale. Therefore, in the process there was a delay and only when the applicants realized that the impugned order is not getting complied with by Non-applicant promoter, then the captioned appeal has been filed with a said delay of 10 days.

3] Advocate Mr. Jaaneel Vashi appearing for Non-applicant promoter submits that he has technical objection, and that there was no efforts whatsoever regarding the settlement in compliance of the impugned order and ground taken by the Applicants in the application is misleading one and he denied that the contents mentioned in para 5 of the application is correct.

4] Perused.

5] There has been a delay of 34 days in filing of the caption appeal.

6] Perusal of the record further reveals that applicants have not got any undue advantage due to delay in filing of the appeal.

7] Learned counsel for Non-applicant further submits that there is Cross-Appeal No.154544 filed by Non-applicant promoter, which is already listed on 20.06.2024 for completion of pleadings.



8] Perusal of the record further reveals that the said delay happened due to bonafide reasons.

9] In view of above, we are of the considered view that there is no impediment if the captioned application is allowed and therefore, we proceed to pass the order as follows: -

: ORDER :

- (a) Misc. Application No. 598/2023 stands allowed.
- (b) Delay is condoned.
- (c) No costs.

IN APPEAL NO. AT006000000174640 OF 2023

Same appearance.

- 2] Advocate Mr. Jaineel Vashi seeks time to file reply.
- 3] Liberty to Appellants to file rejoinder, if any only limited to the new points/ fresh contentions raised, if any in the reply.
- 4] Stand over to 20th June 2024 for completion of pleadings.


(DR. K. SHIVAJI)


(SHRIRAM R. JAGTAP, J.)