

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**MISC. APPLICATION NO. 11 OF 2024 [Delay]
IN
APPEAL NO. AT004000000174682 OF 2023**

Mr. Sachin Ichake & Anr.

... Applicants

-VS-

M/s. Ashdan Developers P. Ltd.

... Non-applicant

**MISC. APPLICATION NO. 12 OF 2024 [Delay]
IN
APPEAL NO. AT004000000174685 OF 2023**

Mr. Nitin Keshav Kadam & Anr.

... Applicants

-VS-

M/s. Ashdan Developers P. Ltd.

... Non-applicant

Mr. Nilesh Borate, Advocate for Applicants.

Mr. R. V. Uttarwar, Advocate for Non-applicant.

**CORAM : SHRI S. S. SHINDE J., CHAIRPERSON &
DR. K. SHIVAJI, MEMBER (A)**

DATE : 10th APRIL, 2024

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

MISC. APPLICATION NO. 11 OF 2024 AND 12 OF 2024

By these captioned Misc. Applications, applicants are seeking to condone the delay of 55 days in filing of the captioned two appeals beyond the prescribed limitation period on the ground mentioned in these two Misc. Applications by submitting that the order dated 23.05.2023 has



been challenged. However, there was need for rectification of this order, which was passed only on 24.08.2023.

2] After passing of the rectification order, applicants have filed for the certified copy of the same on 25.08.2023 and from this date appeals have been filed within thirty (30) days.

3] Advocate Mr. R. V. Uttarwar appearing for Non-applicant have technical objections.

4] In the interest of justice and to avoid duplication of proceedings, more particularly when there is no delay from the date of order of rectification of the order under challenge, Misc. Applications deserve to be allowed.

5] Accordingly, we proceed to pass the order as follows: -

ORDER


- (a) Misc. Application Nos. 11/2024 and 12/2024 are allowed and disposed of as such.
- (b) Delays in filing of the captioned two Appeal are condoned.
- (c) No costs.

IN APPEAL NOS. AT00500000174682 AND AT00500000174685

Learned counsel for parties joined the conference.

2] Advocate Mr. R. V. Uttarwar seeks time to file reply within four weeks.

3] Stand over to 05th August 2024 for reply and completion of pleadings.


(DR. K. SHIVAJI)


(S. S. SHINDE, J.)