

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

**M.A. No. 211/24 (Delay)**

**In**

**35) Appeal No. AT006000000174740/23**

Macrotech Developers Ltd.

... Applicant

V/s.

Nishant Pandhari Bhagat

...Non-applicant

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*Adv. Ms. Smita Sharma for Applicant*

*Mr. Nishant Pandhari Bhagat, Party-in-person*

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

**DATE : 26<sup>th</sup> April, 2024**

(THROUGH VIDEO CONFERENCE)

Advocate Ms. Smita Sharma learned Counsel appearing for the Applicant submits that the Appeal has been filed with technical delay of 12 days and if the delay in receipt of certified copies is accounted for, from the date of application then, there is no delay.

2] Perused.

3] Application for the certified copy was filed on 23<sup>rd</sup> August, 2023 and the same was ready and collected by the Applicant on 5<sup>th</sup> September, 2023. Therefore, the time between these two dates i.e. from 23<sup>rd</sup> August, 2023 to 5<sup>th</sup> September, 2023 will not be counted as per provisions of the Section 12 of the Limitation Act, 1963 and therefore there is no delay.

4] In view of the above, the said delay in filing the Appeal is condoned.



- 5] Misc. Application No. 211/24 stands allowed and disposed of.  
6] No costs.

**In Appeal**

7] Appellant being Promoter it is pre-requisite to comply with the proviso to the Section 43(5) of the RERA Act, 2016, before the Appeal is entertained.

8] Accordingly, Appellant Promoter is directed to deposit entire amount as per the impugned Order dated 9<sup>th</sup> August, 2023 to comply with the proviso to the Section 43(5) of the RERA Act, 2016.

9] Advocate Ms. Sharma upon instructions seeks three weeks' time to deposit the entire amount as per the impugned order towards compliance of the proviso and file/serve the copy of the compliance report to the other side within three weeks.

10] Stand over to 12<sup>th</sup> June 2024 for compliance of the proviso.

  
(DR. K. SHIVAJI)

  
(SHRIRAM. R. JAGTAP)