

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**MISC. APPLICATION NO. 480 OF 2022 (Restoration)
WITH
MISC. APPLICATION NO. 497 OF 2022 (Delay)
IN
APPEAL NO. AT006000000052163**

Varad Developers

... Appellant

-VS-

Shyam Sundar Korgaonkar

... Respondent

*Mr. K. K. Saswade, Advocate for Appellant.
None for Respondent.*

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

DATE : 04th SEPTEMBER, 2023

(THROUGH VIDEO CONFERENCE)

Mr. K. K. Saswade, learned counsel for Appellant joined the conference. None for the Respondent.

2] Perused order dated 04.08.2023.

3] Misc. Application No.480/2022 has been filed for restoration of captioned appeal by condoning the delay on the grounds set-out in Misc. Application No.497/2022.

4] Misc. Application No.480/2022 for restoration of appeal is filed on 24.05.2022 against the order dated 18.12.2020.

5] Appeal was dismissed on the ground of non-appearance of Applicant/appellant even after providing sufficient opportunities vide order



dated 18.12.2020.

6] Applicant/appellant has sought restoration of appeal, primarily on the ground that appellant did not receive any intimation for the hearing held on 11.12.2020 and 18.12.2020. However, perusal of record further shows that from this Tribunal, e-mail was sent to applicant and on 11.12.2020 on very same e-mail id i.e. varaddevelopers40@yahoo.in.

7] Perusal of order dated 04.08.2023 further reveals that applicant has received e-mail from this Tribunal on the same e-mail id for the hearing held on 04.08.2023 and only as a last chance, Advocate Mr. Rajwardhan has sought time for his senior advocate to appear and argue the case.

8] At this stage, Advocate Mr. K. K. Saswade joined the conference and submits that appeal was filed on 18.01.2020 and office objection was rectified on 24.02.2020. The e-mail sent by this Tribunal was not received by the applicant, apparently the email went to spam of the email of applicant and thereby, the applicant was totally unaware of the proceedings.

9] He further submits that after dismissal of the appeal on 18.12.2020, and immediately thereafter, the Covid-19 pandemic broke out and as a result of that, delay has happened. Therefore, sought for condonation of delay by filing Misc. Application No.497/2022 and the appeal be restored to the file.

10] Heard learned counsel for Applicant in extenso.

11] Stand over to 14th September, 2023 for order.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP, J.)