

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

7] Appeal No. AT004000000052762/20
Mrs. Arti S. Dharpure & Anr. ... Appellants

V/s.

M/s. Shiv Sai Developers ... Respondent

Alongwith
8] Appeal No. AT004000000052766/20

Mr. Ashish S. Dharpure ... Appellant

V/s.

M/s. Shiv Sai Developers ... Respondent

Alongwith
9] Appeal No. AT004000000052777/20

Mr. Ashok Kumar Bopche ... Appellant

V/s.

M/s. Shiv Sai Developers ... Respondent

Alongwith
10] M.A. No. 735/22 (Delay)
In
M.A. No. 716/23 (Te recall & Set aside
Order Dtd. 25/10/2023)
In

Appeal No. AT004000000053722/22
M/s. Shiv Sai Developers ... Appellant

V/s.



Ashokkumar Narayan Bopche

... Respondent

Alongwith

**11] M.A. No. 736/22 (Delay)
In
M.A. No. 717/23 (Te recall & Set aside
Order Dtd. 25/10/2023)
In
Appeal No. AT004000000053723/22**

M/s. Shiv Sai Developers ... Appellant

V/s.

Ashish Shantaram Dharpure & Anr. ... Respondents

Alongwith

**12] M.A. No. 737/22 (Delay)
In
M.A. No. 718/23 (Te recall & Set aside
Order Dtd. 25/10/2023)
In
Appeal No. AT004000000053724/22**

M/s. Shiv Sai Developers ... Appellant

V/s.

Mrs. Arti S. Dharpure ... Respondent

*Adv. Ms. Namrata Solanki for Appellant (Sr. Nos.7 to 9) and for
Non-applicants (Sr. Nos. 10 to 12)
Adv. Mr. Amit Bhate for Respondent (Sr. Nos.7 to 9) and for
Applicant (Sr. Nos.10 to 12)*

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

**DATE : 25th January, 2024
(THROUGH VIDEO CONFERENCE)**



In Misc. Application Nos. 716/2023, 717/2023 and 718/2023

Advocate Mr. Amit Bhate submits that in the Misc. Application Nos. No.735/2022, 736/2022 and 737/2022, the Applicant/ Promoter has moved Application bearing Nos. 716/2023, 717/2023 and 718/2023 for setting aside Order imposing costs on the Promoter for not arguing Misc. Applications filed for condonation of delay on the grounds enumerated in the Applications.

2] Perusal of grounds put forth by Applicant/ Promoter in the Applications reveal that those grounds are flimsy and do not appeal us to review the Order dated 25.10.2023, imposing costs on the Promoter/ Applicant for not arguing the delay condonation Applications as the record reveals that despite ample opportunities the Applicant/ Promoter failed to argue the matter. Record further reveals that progress of the matters is at standstill because of Promoter/ Applicant. Therefore, we do not find substance in the submissions of Applicant/ Promoter. Accordingly, Misc. Application Nos.716/2023, 717/2023 and 718/2023 stand rejected.

3] Advocate Mr. Amit Bhate submits that the Applicant/ Promoter will deposit the costs within 7 days. If Applicant/ Promoter fails to deposit the costs of Rs.7,000/- in the account of the Allottees, the Applications filed for condonation of delay will deemed to have been dismissed without further reference.



In Appeal

Advocate Ms. Namrata Solanki submits that the Promoter/ Respondent has filed additional affidavit in Appeal Nos. AT004000000052762/2020, AT004000000052766/2020 and AT004000000052777/2020 and served the copy of the same to Allottees.

2] Record reveals that the Respondent/ Promoter did not seek the leave of this Tribunal while filing the additional affidavit and therefore, the additional affidavit filed by Promoter/ Respondent will not be considered.

3] Stand over to 11th March, 2024 for hearing on delay condonation Applications and for hearing on Appeals filed by Allottees.


(DR. K SHIVAJI)


(SHRIRAM R. JAGTAP)

MBT/7-12