

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**M.A. No. 562/22 (Delay)
IN
APPEAL NO. AT006000000053563/22**

Prashant Jayantilal Patel

... Applicant

-VS-

Taksha Spaces Pvt. Ltd. & Ors.

... Non-applicants

Mr. Nitin Parkhe, Advocate for Applicant.

Ms. Padma Chinta, Advocate for Non-applicants.

CORAM : SHRI SHRIRAM R. JAGTAP (J) &

DR. K. SHIVAJI, MEMBER (A)

DATE : 24th AUGUST, 2023

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

2] Matter is kept back.

LATER ON AT 01:38 PM,

3] Learned counsel for Applicant, Adv. Vinay Nair i/b Nitin Parkhe and Learned counsel for Non-applicants, Ms. Padma Chinta joined the conference.

M.A. No. 562/22 (Delay)

4] By this application, Applicant has challenged the order dated 8th Nov. 2021 by seeking condonation of delay of 54 days in filing the present appeal u/s 44 of the Act.



5] Learned counsel for Applicant further submits that the delay is due to difficulties faced by the Applicant and his Advocate due to then the prevailing Covid-19 Pandemic, the delay was purely due to factors beyond the control of the Applicant and it was bonafide delay, no malafide can be attributed on account of that.

6] Learned counsel for Non-applicants opposed the application. However, admitted that the delay in filing appeal is covered by the order of Hon'ble Supreme Court of India dated 10th Jan. 2022, wherein, litigants are permitted to file appeal for the extended limitation period up to 29th May 2022. As such litigants are permitted to file appeal within 90 days from Feb. 28, 2022.

7] The delay in filing the appeal is squarely covered by the order of Hon'ble Supreme Court of India on Covid-19 Pandemic, with the extended limitation period by adding 90 days from 28th Feb. 2022, it was up to 29th May 2022. Whereas, the captioned appeal has been filed on 11th April, 2022 itself.

8] The delay being squarely covered by the order of the Hon'ble Supreme Court, the said delay in filing of Appeal No. 53563 is condoned. Misc. Application No. 562/22 is allowed and disposed of as above.

9] No costs.

IN APPEAL NO. AT006000000053563/22

10] Learned counsel for Appellant, Adv. Vinay Nair i/b Nitin Parkhe and Learned counsel for Respondents, Ms. Padma Chinta joined the conference.

11] Learned counsel for Respondents submits that the Respondents are behind Bar and seeks two months' time to file reply.



- 12] Liberty to Appellant to file rejoinder, if any.
- 13] Stand over to 26th Oct. 2023 for reply/completion of pleadings.


(DR. K. SHIVAJI)


(SHRIRAM R. JAGTAP)

MS/-