

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

APPEAL NO. AT005000000053568

Bhoomi & Arkade Associates	... Appellant
-VS-	
Mr. Ramprakash Gupta & Anr.	... Respondents

MISC. APPLICATION NO. 318 OF 2022 (Delay)
WITH
MISC. APPLICATION NO. 320 OF 2022 (Possession)
IN
APPEAL NO. AT006000000053613

Mr. Ramprakash Gupta & Anr.	... Applicants
-VS-	
Bhoomi & Arkade Associates	... Non-applicant

Mr. Sanmit Vaze, Advocate for Promoter.
Mr. Satish Dedhia, Advocate for Allottees.

CORAM : SHRI SHRIRAM R. JAGTAP, MEMBER (J) &

DR. K. SHIVAJI, MEMBER (A)

DATE : 31st JULY, 2023

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

MISC. APPLICATION NO. 318 OF 2022

By this application, Applicants/ Allottees are seeking to condone the delay of 31 days in filing the appeal beyond the prescribed time limit of 60 days.



2] Heard learned counsel for parties.

3] Learned counsel for Applicants submit that impugned order dated 25.11.2021 was informed by email on 30.11.2021, the delay happened is bonafide and there is no negligence on their part in filing appeal.

4] He further submits that the delay happened on account of certain attempts for amicable settlement of the disputes and also due to confusion regarding the moratorium benefits. Besides these, the entire period of delay is squarely overed under the order of the Hon'ble Supreme Court in *Suo-Moto Writ Petition [civil] no.3* of 2020 dated 10th January 2022 which provides for extension of the limitation period from 15.03.2020 till 20.02.2022 in order to mitigate the difficulties being faced by the litigants during the then prevailing Covid-19 Pandemic.

5] Learned counsel for Non-applicant vehemently opposed by submitting that the copy of judgement of the Hon'ble Supreme Court on COVID for extension of limitation period has not been attached in the application, denied having any wastage of time on account of settlement by Promoter, and the applicant could have applied for certified copy on their own rather waiting for their advocate to do the same for filing of the appeal in time.

6] Perused.

7] Appeal has been filed on 24.02.2022 challenging the order



dated 25.11.2021. The period of delay for filing the appeal is squarely covered under the order of the Hon'ble Supreme Court extending the limitation period. Accordingly, the delay is condoned.

10] Misc. Application 318/2022 is allowed

11] No cost.

**IN APPEAL NOS. AT005000000053568 AND
AT006000000053613**

Adv. Sanmit Vaze, learned counsel for learned counsel for Promoter and Adv. Satish Dedhia, learned counsel for Allottees joined the conference.

2] Learned counsel for parties jointly submit that pleadings in appeal no. 53568 are complete and seek time to file written submissions.

3] Learned counsel for Promoter seeks time to file reply in appeal no. 53613 within 4 weeks.

4] Liberty to Appellants/Allottees to file rejoinder, if any within one week thereafter.

5] Stand over to 21st September, 2023 for written submissions in appeal no. 53568 and completion of pleadings in appeal no. 53613.


(DR. K. SHIVAJI)


(SHRIRAM R. JAGTAP, J.)