

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**M.A. No.462/2022 (Delay)
WITH
M.A. No. 508/22 (Stay)
IN
APPEAL NO. AT006000000053738/22**

M/s. Mugatlal Bhagwandas Boda & Co.

... Applicant

-VS-

Macrotech Dev. Ltd.

... Non-applicant

Mr. Varun N. Mamniya, Advocate for Applicant.

Mr. Abir Patel, Advocate for Non-applicant.

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 4th AUGUST, 2023

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

IN MISC. APPLICATION NO. 462/2022 (Delay)

2] By this application, Applicant is seeking condonation of delay of 10 days for filing the captioned appeal against the order dated 17th Feb. 2022.

3] Heard learned counsel for parties.

4] Learned counsel for Applicant further submits that appeal has been filed on 21st April, 2022 and received certified copy of the impugned order on 11th March, 2022. In view of the judgment by the Hon'ble Supreme Court *suo-moto* Writ Petition [Civil] No. 3 of 2020, dated 10th January 2022, the Applicant submits that he will be eligible for 90 days of extension of the limitation period from 1st March 2022 which will end only on 29th May 2022. Whereas appeal has been filed on 21st April, 2022 itself. Thereby, according to him, there is no delay. However, an application has

been filed for condonation of 10 days of delay as an abundant precaution.

5] Learned counsel for Non-applicant vehemently opposed by submitting that Applicant has not submitted sufficient causes for the delay in favor of the condonation of delay application and hence, Applicant deserves to be rejected with costs.

6] Perused.

7] In view of judgment of the Hon'ble Supreme Court (supra), the limitation period has been extended for all such cases as in present facts and circumstances of the case for a period of up to 90 days from the 1st of March 2022 onward, whereas appeal has been filed on 21st April 2022 itself. Accordingly, the entire delay is covered under the benefits extended by the judicial pronouncement of the Hon'ble Supreme Court to litigants to overcome the difficulties faced by them due to prevailing Covid-19 Pandemic. In view of the above, delay is condoned.

8] Misc. Application is disposed of on above terms.

9] No costs.

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10) Reply has already been filed.

11) Liberty to Appellant to file rejoinder, if any.

12) Stand over to 4th Oct. 2023 for completion of pleadings.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP, J.)

MS/-