

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**M.A. No. 650/23 (Delay)
WITH
M.A. No. 647/23 (Stay)
IN
APPEAL NO. AT006000000174722/23**

Sanvo Resorts Pvt. Ltd

... Applicant

-VS-

Mr. Aniket Anil Kadam and Anr.

... Non-applicants

Mr. Prasanna S. Tare, Advocate for Applicant.

Mr. Vijayprakash Yadav, Advocate for Non-applicants.

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

**DATE : 7th DECEMBER, 2023
(THROUGH VIDEO CONFERENCE)**

IN Misc. APPLICATION No. 650/23 (Delay)

Heard learned counsel for parties.

2. Adv. Prasanna Tare submits that this captioned appeal has been filed by challenging the order dated 30th July 2023 and the appeal has been filed with the delay of 46 days beyond the permissible limitation period of 60 days.
3. By this application, Applicant is seeking to condone the delay of 46 days on the ground that the impugned order dated 30th June 2023 was communicated to him only on 12th Oct. 2023.
4. On receipt of this communication, Applicant has taken all the



required steps and filed captioned appeal on very next date on 13th Oct. 2023 and thereby sought to condone the delay in filing of the appeal.

5. Adv. Vijayprakash Yadav vehemently opposed this captioned Misc. Application by submitting that standard operating procedure stated at para no. 7 clearly indicates that all the order^{be} passed by MahaRERA shall be uploaded promptly. Accordingly, the impugned order dated 30th June 2023 was also intimated to Applicant and in support of his contention, he further submits that he has also received email intimation about the passing of the impugned order on 1st July 2023 itself. However, due to inadvertence, the copy of email received from MahaRERA has not been placed on record. Therefore, he further submits that in case the delay is to be condoned then the heavy cost be imposed on Applicant.

6. Perused.

7. Perusal of record reveals that Applicant has claimed that the impugned order has been received only on 13th Oct. 2023. However, keeping in mind of the submissions made by the Non-applicant more particularly in view of the standard procedure and the email stated to have been received by Non-applicant containing the impugned order dated 30th June 2023 from MahaRERA on 1st July 2023, we are of the view that requisite cost to be imposed while condoning the delay.

8. In view of the peculiar facts and circumstances of the case, Misc. application is allowed subject to cost of Rs. 12,000/- to be paid to Non-



applicant directly to its account within two weeks from the date of uploading of this order.

9. Payment of cost is condition precedent.

10. Learned counsel for Applicant undertakes to deposit the cost within two weeks.

11. Accordingly, Misc. Application is allowed on the above terms and disposed of as above.

IN APPEAL

12. Captioned appeal has been filed by the Promoter. Accordingly, Appellant/Promoter is statutorily required to fulfill the proviso to the Section 43(5) as it is *sine qua none* and is mandatory requirement before the appeal is entertained.

13. Heard learned counsel for parties.

14. Perused the impugned order dated 30th June 2023.

15. Appellant being Promoter, is directed to pre-deposit the entire amount as per the impugned order dated 30th June 2023 within six weeks towards the compliance of the proviso to Section 43(5) of the 2016 Act.

16. Appellant to comply with the ^{is} order within six weeks and file and serve the copy of compliance report well in advance.

17. Stand over to 30th Jan. 2024 for compliance.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP)

MS/-