

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**MISC. APPLICATION NO. 469 OF 2023** (Restoration)  
**IN**  
**APPEAL NO. AT006000000031817**

Rite Developers & Anr.

... Applicants

-VS-

Mukesh Rane & Anr.

... Non-applicants

---

**MISC. APPLICATION NO. 470 OF 2023** (Restoration)  
**IN**  
**APPEAL NO. AT006000000031818**

Rite Developers & Anr.

... Applicants

-VS-

Sagar Sangekar & Anr.

... Non-applicants

---

*Mr. Anoshak Daver, Advocate for Applicants.*

*Ms. Nirali Atha, Advocate for Non-applicants.*

---

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

**DR. K. SHIVAJI, MEMBER (A)**

**DATE : 18<sup>th</sup> DECEMBER, 2023**

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

**MISC. APPLICATION NOS. 469/2023 AND 470/2023**

Advocate Mr. Anoshak Daver submits that there is no delay  
and upon instructions submits that he does not intend to file Misc.



Applications in both the captioned Misc. Applications.

2] Perused record.

3] Impugned order is dated 16.01.2023, and the hard copies of Misc. Applications are seen submitted on 28.07.2023. The captioned Misc. Applications for restoration have been filed with a time delay of more than six months. Whereas the restoration applications should have been filed within 30 days as per the prescribed rule.

4] *Prima facie*, there is delay in filing <sup>of</sup> Misc. Application Nos. 469/2023 and 470/2023 for restoration/ recall of the dismissal order dated 16.01.2023. Despite the said delay in filing of the captioned Misc. Applications, learned counsel for Applicants is not willing to file appropriate application for condonation of said delay and also submits that there is no delay in filing of the said M.A.'s and has submitted no grounds nor any reasons to justify the said delay in filing of M.A.'s.

5] Perusal of record clearly reveals that the hard copies of the captioned Misc. Applications are filed far beyond the permissible period of one month without any justifications for the said delay, and the learned counsel for Applicants repeatedly confirmed that Applicants are not willing to file any applications for condonation of said delay, either in writing or in oral submissions.

6] In view of the absence of justifications for the delay in filing



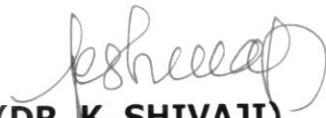
of the captioned Misc. Applications, we are of the considered view that the said delay in filing of the M.A's cannot be condoned and therefore, captioned Misc. Applications for restoration/ recall of dismissal order cannot be considered/ entertained.


6] Accordingly, the delay in filing of captioned Misc. Applications are not condoned.

6] Delay in filing of the captioned Misc. Applications being not condoned, consideration of the Misc. Application Nos. 469/2023 and 470/2023 for restoration/ recall of the dismissal order do not arise and accordingly, stand dismissed being time barred.

7] Accordingly, captioned Misc. Applications stand disposed of.

8] No costs.

  
(DR. K. SHIVAJI)

  
(SHRIRAM. R. JAGTAP, J.)