

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

(3) APPEAL NO. AT004000000052762/20

Mrs. Arti S. Dharpure & Anr. ... Appellants

-VS-

M/s. Shiv Sai Developers ... Respondent

(4) APPEAL NO. AT004000000052766/20

Mr. Ashish S. Dharpure ... Appellant

-VS-

M/s. Shiv Sai Developers ... Respondent

(5) APPEAL NO. AT004000000052777/20

Mr. Ashok Kumar Bopche ... Appellant

-VS-

M/s. Shiv Sai Developers ... Respondent

(6) M.A. No. 735/22 (Delay)

IN

APPEAL NO. AT004000000053722/22

M/s. Shiv Sai Developers ... Applicant

-VS-

Ashokkumar Narayan Bopche ... Non-applicant

(7) M.A. No. 736/22 (Delay)

IN

APPEAL NO. AT004000000053723/22

M/s. Shiv Sai Developers ... Applicant

-VS-

Ashish Shantaram Dharpure & Anr. ... Non-applicants



(8) M.A. No. 737/22 (Delay)
IN
APPEAL NO. AT004000000053724/22

M/s. Shiv Sai Developers

... Applicant

-VS-

Mrs. Arti S. Dharpure & Anr.

... Non-applicants

Ms. Namrata Solanki, Advocate for Appellant in sr. nos. 3 to 5 and Non-applicant in sr. no. 6 to 8.

Mr. Ketan Ganolkar, Advocate for Respondent nos. 3 to 5 and Applicant in sr. no. 6 to 8.

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

DATE : 25th OCTOBER, 2023

(THROUGH VIDEO CONFERENCE)

Adv. Ketan Ganolkar submits that even though the Misc. Applications no. 735/2023, 736/2023 and 737/2023 are listed today for final hearing, there was flood in his office in Nagpur, as a result, relevant papers have been affected due to flood and the arguing counsel is not available due to certain medical reasons.

- 2) Adv. Namrata Solanki submits that all the records required for the argument of condonation of delays are available on emails and therefore, the ground taken by the other side that the records have been affected by flood are without any basis. Regarding the issue raised by the other side that the arguing counsel is not available is



also without any basis because the conduct of the applicant/promoter is very obvious by the previous submissions as have been made, which have been recorded. As such they are delaying the proceedings and the cross appeals filed in sr. no. 3 to 5 are unnecessary held up on account of delay condonation applications, which are lingering solely on account of non-applicant/promoter who is every now and then seeking adjournment.

- 3) Perused.
- 4) Misc. Applications for condonation of delay in sr. no. 6 to 8 are listed for final hearing since 10th Mar. 2023 and a number of opportunities have been given to the parties.
- 5) Perusal of Rojnama more particularly, 6th July 2023, it is seen that the promoter made submissions for additional affidavit, which was granted with the understanding that no further adjournment will be given. Promoter again sought further time on 6th Sept. 2023, which was again granted as last chance and listed the matter today for final hearing. It is pertinent to note that condonation of delay applications is listed for final hearing. For the want of this decision, on the appeal in sr. no. 3 to 5 are lingering because of the pending decision of condonation of delays.
- 6) As a very last chance, request of Non-applicant/promoter is allowed



subject to payment of the cost of (Rs. 7,000/- each) to be paid directly to the account of Non-applicants for each of the cross appeal in sr. nos. 6 to 8 within two weeks, failing which the appropriate decision will be taken on the next date of hearing.

- 7) Stand over to 4th Dec. 2023 for final hearing in sr. no. 3 to 5 and hearing on Misc. Applications in sr. no. 6 to 8.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP)

MS/-