

**BEFORE THE MAHARASHTRA REAL ESTATE APPELLATE  
TRIBUNAL, MUMBAI**

**MA No. 240/19 ( Delay )  
AT 00600000021411**

Netra Venkateshwaran & Anr. .. Applicants  
Vs.  
The Bombay Dyeing & Mfg. Co. Ltd. .. Non-applicant

*Advocate Sarthak Diwon for applicants  
Advocate Mr. Vaibhav Ghogare, Ms. Niyathi Kana, Ms. Rujuta Patil i/b  
Negandhi, Shah & Himayatullah for Non-applicant*

**CORAM : SUMANT M. KOLHE, MEMBER (J)  
S. S. SANDHU, MEMBER (A)**

**DATE : 14<sup>th</sup> February, 2020**

**ORDER BELOW MISC. APPLICATION No.240/2019**

Read application for condonation of delay and say filed.

Heard learned counsel for both the sides.

Impugned order is passed on 25.01.2019. Applicant applied for certified copy on the same day i.e. on 25.01.2019. Certified copy was ready for delivery on 15.02.2019. Certified copy was received to applicant on 15.02.2019.

Learned counsel for applicant submits that online appeal is filed on 09.04.2019. Receipt of payment of appeal fees is on record. It shows that on 11.04.2019 appeal fees were paid .

The period of limitation of 60 days to file appeal starts from 15.02.2019. Applicant can prefer appeal on or before 15.04.2019. Appeal is preferred on 11.04.2019. As per receipt on record appeal fees are deposited on 11.04.2019.

So appeal preferred by applicant is within limitation. Assuming for sake of the argument that there is any delay, it is revealed from record that

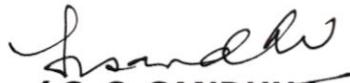
applicant was punctual and diligent enough to apply for certified copy and getting certified copy on the given date. In fact applicant was not negligent and careless in preferring appeal. Moreover, applicant made efforts to file appeal online promptly after getting certified copy. Any delay in filing hard copy of appeal cannot be considered for delay in filing appeal.

For the reasons stated above we alternatively allowed the application for condonation of delay if any in this matter.

Accordingly we pass the following order.

**ORDER**

- i. Misc. Application No.240/2019 is allowed and delay is condoned if any.

  
( S. S. SANDHU )

  
( SUMANT KOLHE )

**APPEAL**

Matter is listed on 12.03.2020 for further consideration.

  
( S. S. SANDHU )  
KDP/3

  
( SUMANT KOLHE )