

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

**Misc. Application No. 612/19 (Delay)**

**In**

**Appeal No. AT006000000042008**

Mr. Mahendra S. Arekar

... Applicant

Versus

Pallavi S. Hedavkar & Anr.

... Non-applicants

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*Adv. Smitesh Bane for Applicant.*

*Adv. Tanuj Lodha a/w Rachana Magdum for Non-applicant No.1  
& Shivani Santosh Pawar in person for Non-applicant No.2.*

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

**DATE : 12<sup>th</sup> JANUARY, 2021.**

**(THROUGH VIDEO CONFERENCING)**

Heard learned counsel for Applicant and Non-applicants.

2. Learned counsel for Applicant submits that being the land owner in the project Applicant was not a party in the complaint proceedings and had no knowledge of the impugned order passed on 03.10.2019. Applicant came to know about the impugned order while surfing the internet around 05.11.2019. Thereafter by obtaining certified copy, Appeal was filed on 11.12.2019 i.e. with a delay of 9 days. He also submits that the delay is not deliberate or intentional and there are genuine circumstances for not filing the Appeal in time.

3. Learned counsel for Non-applicant No. 1 and Non-applicant No.2 present in person submit that they have no objection if the delay is condoned.

4. Considering the submissions of Applicant, it is seen that the delay is circumstantial as Applicant was not a party to the complaint proceedings and therefore, Applicant had no knowledge of the order passed. It is also seen that after coming to know about the order, Appeal has been filed expeditiously. We find that the delay of 9 days is neither deliberate nor intentional. Therefore, we are inclined to allow Application and condone the delay. Hence, we pass the following order.

**ORDER**

- (i) Application for condonation of delay is allowed.
- (ii) Delay is condoned.
- (iii) No costs.

  
**(S. S. SANDHU)**

  
**(SUMANT KOLHE)**

Bmb/-15