

**BEFORE THE MAHARASHTRA REAL ESTATE  
APPELLATE TRIBUNAL, MUMBAI  
Misc. Application No. 412/20 (Delay)  
In  
Appeal No. AT006000000052645**

Ravi Developments ... Applicant

Versus

Kirit Soni & Anr. ... Non-applicants

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*Adv. Makarand Raut for Applicant.*

*Ms. Chhaya Soni in person for Non-applicant No. 2.*

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

**DATE : 11<sup>th</sup> January, 2021**

**(THROUGH VIDEOCONFERENCING)**

**ORDER BELOW MISC. APPLICATION NO. 412/20 IN  
APPEAL NO. AT006000000052645**

**[PER: SUMANT KOLHE, MEMBER (J)]**

Read the application for condonation of delay and say filed. Heard counsel for both the sides. Perused the papers.

2. Applicant is Promoter. Non-applicants are Allottees. Promoter has preferred the Appeal against Allottees. Promoter intends to challenge orders dated 9<sup>th</sup>

March, 2018, 26<sup>th</sup> June, 2018 and 11<sup>th</sup> September, 2018 passed in Complaint No. CC00600000001337. There is a delay of 677 days in filing the Appeal. Promoter has contended that he has sufficient cause for condonation of delay. According to Promoter, orders dated 9<sup>th</sup> March, 2018, 26<sup>th</sup> June, 2018 and 11<sup>th</sup> September, 2018 were already challenged in the Appeal No. AT006000000010826 filed by Allottees. Accordingly keeping in view that impugned orders were sub-judice, Promoter did not file any separate Appeal for challenging those orders once again. Promoter has stated that on 25<sup>th</sup> August, 2020 in Complaint No. CC006000000001337 before MahaRERA and on 3<sup>rd</sup> September, 2020 in Appeal No. AT006000000010826 before Appellate Tribunal, Allottees made a grievance that Promoter neither complied nor challenged the impugned orders by filing Appeal. Therefore, in order to avoid technical objections as raised by Allottees, Promoter has preferred the present Appeal as per instructions of his advocate. It is stated that delay is neither intentional nor deliberate. So Promoter has prayed for condonation of delay of 677 days in filing the Appeal.

3. Allottees have filed reply and resisted application for condonation of delay. Allottees have contended that Promoter has no sufficient cause for condonation of delay. It is stated that Promoter has failed to explain the delay. It is also stated that Promoter was negligent in challenging the

impugned orders within the stipulated time. So, Allottees have prayed for rejection of the application for condonation of delay.

4. Following points arise for our determination.

**POINTS**

- i) Whether Applicant has sufficient cause for condonation of delay?
- ii) What order?

5. Our findings on the points for the reasons stated below are as under.

**FINDINGS**

- i) Affirmative
- ii) As per final order

**REASONS**

6. Admittedly impugned orders against which Promoter has filed the Appeal are already challenged by Allottees in Appeal No. CC006000000010826. Thus, validity and legality of the impugned orders which Promoter seeks to challenge is already sub-judice in Appeal No. AT006000000010826. Having considered the submissions by the parties, it is undeniable that there is delay of 677 days in filing Appeal. It appears, as submitted by Promoter that he was under impression that he was not required to file Appeal as the impugned orders were already challenged by Allottees. That is the reason that when Allottees raised objection as above in Complaint No.