

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

Misc. Application No. 382/19 (Delay)

In

Appeal No. U-17/19

In

SC10001239

Faiz Urban Co-operative Credit Society Ltd. ... Applicant

Versus

Sanjeri Builders & Ors. ... Non-applicants

Adv. Anwar Landge for Applicant.

Adv. Rahul Motkari for Non-applicants.

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

**DATE : 6th JANUARY, 2021.
(THROUGH VIDEO CONFERENCING)**

**ORDER BELOW MISC. APPLICATION NO. 382/19 IN
SOURCE COMPLAINT NO. SC10001239**

[PER: SUMANT KOLHE, MEMBER (J)]

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

2. Following points arise for our determination.

POINTS

- i) Whether Applicant has sufficient reason
for condonation of delay?

ii) What order?

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

FINDINGS

- i) Affirmative.
- ii) As per final order.

REASONS

4. Applicant is a Co-operative Credit Society. Applicant has preferred Appeal against order dated 10th June, 2019 passed in Source Complaint No. SC10001239. There is 10 days' delay in preferring the Appeal. Application for condonation of delay is supported by an affidavit of authorised signatory of Applicant society. It is revealed that the Complaint was heard on 10th June, 2019 by MahaRERA and the matter was closed for order. Whenever Applicant checked on website, order was not found to have been uploaded. Applicant did not receive e-mail from office of MahaRERA that the order is uploaded on the website. Thereafter Applicant came to know in the last week of July, 2019 that the order was uploaded. Applicant is from Nashik. Applicant could not immediately come to Mumbai due to heavy rains for obtaining certified copy. Thereafter Applicant applied for certified copy on 7th August, 2019 and received on 16th August, 2019.

5. On considering the submissions as above, we find that delay is stated to be of 10 days in preferring the Appeal.


From the reasons submitted by Applicant, it is evident that Applicant has sufficient cause for not filing the Appeal within stipulated time. There is no deliberate and intentional delay in preferring the Appeal. So, we think it appropriate to condone the delay in the interest of justice and answer points accordingly.

MS

6. In the result, we pass the following order.

ORDER

- i) Misc. Application No. 382/19 is allowed.
- ii) Delay of 10 days in filing Appeal is condoned.
- iii) No costs.
- iv) Stand over to 17.02.2021 for reply.


(S. S. SANDHU)


(SUMANT KOLHE)

SJD/-40