

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL (ST) NO.21879 OF 2022
WITH
INTERIM APPLICATION NO.2371 OF 2023

Sanvo Resorts Private Limited
A Company incorporated Mumbai 400080 **...Appellant**
Versus
Samshet Balkrishna Shetye **...Respondent**

Mr Prasanna Tare, with Akshada Shetye for the Appellant.
None for the Respondent.

CORAM: Dr. Neela Gokhale, J.
DATED: 1st December 2023

PC:-

1. The Appellant assails the judgment and order of 29th June 2022 passed by the Maharashtra Real Estate Appellate Tribunal ("Tribunal") in Appeal No. AT006000000031583. By the impugned order, the first appeal before the Tribunal was dismissed and consequently, the order passed by the Maharashtra Real Estate Regulatory Authority was upheld. The Appellant was thus, directed to pay interest to the original complainants from 1st May 2017 till the date of actual possession at the rate prescribed under the provisions of Section 18 of the Real Estate Regulatory Authority Act, 2016 ("**RERA Act**"). The Appellant has preferred the present Second Appeal being aggrieved by the dismissal of its appeal by the Tribunal. The Appellant procured the certified copy on 12th July

2022 and filed the present Appeal on 6th September 2022. There is one day delay in filing the present Appeal and hence, the Appellant has made this application seeking condonation of that one day's delay.

2. Mr. Prasanna Tare, learned counsel for the Applicant/Appellant states that this one day's delay was on account of an error in calculation of period of limitation and the same is inadvertent.

3. By order dated 16th June 2023, notice was issued to the Respondent on the application for condonation of delay made returnable on 14th July 2023. There is an affidavit of service of the Applicant/Appellant in respect of issuance of private notice to the Respondent. Service report in Registry also indicates that the Respondent has been duly served. Yet, the Respondent has failed to appear before the Court or file his reply to the condonation of delay application.

4. I am satisfied with the explanation given by the Applicant/Appellant explaining the delay of one day in preferring the Appeal. In the interest of justice, one day's delay is condoned.

5. In view of above, application is allowed.

6. Learned counsel for the Applicant/Appellant seeks liberty to file a compilation of documents comprising of the proceedings of the appeal and authority. Liberty is so granted.

7. List the Appeal for further consideration on 8th January 2024.

(Dr. Neela Gokhale, J)