



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13451 OF 2023

Mahesh Jaibahadur Pal

... Petitioner.

Versus

The Competent Authority Rent
Control Act Konkan Division and Ors.

... Respondents.

Mr. Gajendra Kashinath Jadhav, Advocate for the Petitioner.

Mr. Rajesh Singh i/by Rishabh Singh, Advocate for the Respondent No.2.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : NOVEMBER 28, 2023.

P. C. :

1. The challenge in the petition is to the order dated 9th August, 2023, rejecting the petitioner's application seeking condonation of delay of 4 days caused in filing the application for leave to defend.

2. Learned counsel appearing for the Petitioner submits that the notice issued by the Competent Authority did not clarify the date within which the application for leave of defend is required to be filed. He would further submit that in the interest of justice, the delay of 4 days may be condoned.

3. The Competent Authority has rightly held that there is no provision for condonation of delay under the provisions of Maharashtra Rent Control Act, 1999 (for short, "MRC Act"). In the absence of any statutory provisions empowering the Competent Authority to condone the delay, the provisions of Section 5 of the Limitation Act, 1963 are clearly inapplicable.

4. As regards the notice which was issued under the provisions of Section 43 of MRC Act, the notice annexed at page No.69 of the petition would indicate that the notice was issued as per the form prescribed i.e. Schedule-III under Section 43 of the Maharashtra Rent Control Act. As such, there is no infirmity in the order rejecting the application for condonation of delay. Without any specific power to condone the delay, there cannot be condonation based on equity and hardship.

5. In the light of the above, there is no merit in the petition. Petition stands dismissed.

6. All parties to act on the authenticated copy of this order.

(Sharmila U. Deshmukh, J.)