

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 777 OF 2023

Prashant Madhukarrao Joshi __ Vs. __ The Additional Commissioner and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.J.Kadu, Advocate for petitioner

Ms. T.H.Khan, AGP for respondent nos. 1, 2 and 4

CORAM : AVINASH G. GHAROTE, J.

DATE : 13/03/2023

1] Heard Mr. Raju Kadu, learned counsel for the petitioner.

2] The petition challenges the order dated 26.12.2022, passed by the respondent no.1, under the provisions of Section 44 of the Maharashtra Rent Control Act (for short “the MRC Act”), holding that the revision filed by the petitioner, challenging an order dated 10.3.2015 passed by the competent authority under Section 23 read with Section 43 of the MRC Act, beyond the limitation as prescribed in the second proviso to Section 44 of the MRC Act was not maintainable, as it was filed after the delay of 330 days.

3] As per the requirement of the second proviso to Section 44 of the MRC Act, a revision under Section 44(2) of the said Act challenging

the order passed by the competent authority under Section 43 of the said Act has to be filed within the period of 90 days of the date of the order. This has not been done. There is no power vested in the revisional authority to condone the delay, in absence of which the revision has rightly been held not to be maintainable by the impugned order.

4] Though reliance is placed upon **Prakash H. Jain vrs. Ms. Marie Fernandes, 2004 (5) ALL MR 1 (S.C.)**, the same does not hold that a revision filed beyond the statutory period as provided by the second proviso to section 44 of the MRC Act is maintainable, considering which I do not see any reason to interfere in the impugned order. The petition is therefore without any merit and is accordingly dismissed. No costs.

JUDGE

Rvjalit