

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SECOND APPEAL NO.13 OF 2024

WITH

INTERIM APPLICATION NO.189 OF 2024

IN

SECOND APPEAL NO.13 OF 2024

Irene Edwyn D'mello

....Appellant/Applicant

V/S

Hirji Kanjibai Barwadia & Ors.

....Respondents

WITH

SECOND APPEAL NO.14 OF 2024

WITH

INTERIM APPLICATION NO.206 OF 2024

IN

SECOND APPEAL NO.14 OF 2024

Irene Edwyn Dmello

....Appellant/Applicant

V/S

Ramesh Gangabai Devda

....Respondents

Mr.Shakib Shaikh *for the Appellant/Applicant.*

CORAM: SANDEEP V. MARNE, J.

DATE : 11 MARCH 2024.

P.C.:

1 By these Appeals, the Appellant challenges common order dated 1 August 2023 passed by Maharashtra Real Estate Appellate Tribunal (**Appellate Tribunal**) rejecting Miscellaneous Application Nos.1076 of 2022 and 1078 of 2022 seeking condonation of delay of 206 days in filing the Appeals.

2 It appears that in the Appeals filed before the Appellate Tribunal, Appellant was aggrieved by orders dated 9 March 2022 passed by MahaRERA (Regulatory Authority) by which the Appellant was directed to complete the project before 30 November 2022 and handover possession of the flats to the Complainants by obtaining the occupancy certificate. The Regulatory Authority further directed that in the event of failure to handover the possession within the stipulated date, the Appellant shall pay to the Complainants interest under section 18 of the Maharashtra Real Estate (Regulation and Development) Act, 2016 (**the Act**) from 1 December 2022 till issuance of the occupancy certificate.

3 It appears that the Appellant, far from challenging the order of the Regulatory Authority, made correspondence with the Slum Rehabilitation Authority (SRA) for expediting the issuance of full commencement certificate with a view to complete the project as fast as possible. He later decided to challenge the orders of the Regulatory Authority by filing Appeals, which were filed after delay of 206 days.

4 I have gone through the applications filed by the Appellant for seeking condonation of delay. It appears that no specific reason is pleaded for seeking condonation of delay of 206 days. On the contrary as rightly held by the Appellate Tribunal, the Appellant was apparently not aggrieved by the order of the Regulatory Authority and first made an attempt to expedite completion of the project by making correspondence with SRA. It is only when he did not succeed in his attempts to expedite the project, that he thought of filing Appeals before the Appellate Tribunal challenging the order of Regulatory Authority. To condone delay in filing the Appeals, it was incumbent for the Appellant to show a reasonable cause as to why he was prevented for filing the Appeals. From the conduct exhibited by the Appellant, it appears that he did never intended to file the Appeals and therefore the question of he being prevented from filing the Appeal did not arise. In my view, the Appellate Tribunal has rightly rejected the Applications for condonation of delay of 206 days. No substantial question of law is involved in the Appeals. The Second Appeals are accordingly rejected.

5 In view of the disposal of both the Second Appeals, nothing survive in both the Interim Applications, the same are disposed of accordingly.

(SANDEEP V. MARNE, J.)

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