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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9103 OF 2024.

Goodwill Properties Pvt. Ltd.

.. Petitioner

Versus

The State of Maharashtra and Ors.

.. Respondents

Mr.Cyrus Ardeshir a/w Mr.Manish Gala, Mr.Nilesh Gala, Mr.Minil Shah, Ms.Alpa Gala i/b M/s.Law Square, Advocate for the Petitioner.

Mr.A.I.Patel, Addl.G.P. a/w Ms.P.N.Diwas, A.G.P. for the State.

Mr.Sunilraja Nadar, Advocate for Respondent No.4.

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**

DATE: JULY 22, 2024

P. C.

1. The above Writ Petition is filed seeking to quash the impugned Order dated 8th August 2023 as well as the Recovery Warrant dated 3rd January 2024. The order dated 8th August 2023 has been impugned by the Petitioner before the Appellate Authority under the Real Estate (Regulation and Development) Act, 2016.

2. The grievance in this Petition is that though the Appeal is filed along with an Application for condonation of delay, the same has not been taken up by the Appellate Authority.

3. Since this is the limited grievance in the present Petition, we dispose of the above Petition by directing the Appellate Authority to first decide the condonation of delay Application filed by the Petitioner. If the said Application is decided in favour of the Petitioner, then the Appellate Authority shall hear and decide the Appeal filed by the Petitioner as expeditiously as possible and within a period of eight weeks from the decision on the application of condonation of delay. In the event, the condonation of delay Application is not allowed, then obviously, the Appeal will stand dismissed. In either case, the interim Order passed by us on 2nd July 2024 shall continue till the disposal of the above Appeal namely, if it is dismissed because the delay is not condoned, or decided on merits, and for a period of two weeks thereafter.

4. The above Writ Petition is accordingly disposed of. No order as to costs.

5. This order will be digitally signed by the Private Secretary/
Personal Assistant of this Court. All concerned will act on production by fax
or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]