

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9148 OF 2025

Priya John

...Petitioner

Versus

Additional Commissioner,
Konkan Division, Mumbai & Ors.

...Respondents

ARJUN
VITTHAL
KUDHEKAR

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Mr. Ajinkya Udane a/w Sufyaan Mansuri, Sandeep Kothari & Sunita Bafna, for the Petitioner.

Mr. Viraj Parekh a/w Umang Patni i/b Dhanraj Lodha, for Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATED: 12 DECEMBER 2025

P.C.:

1. Heard Mr. Udane, learned Counsel appearing for the Petitioner and Mr. Parekh, learned Counsel appearing for Respondent No.2.
2. By the present Writ Petition filed under Article 227 of the Constitution of India, the Petitioner is challenging the legality and validity of the Order dated 29th May 2025 passed by the learned Additional Divisional Commissioner, Konkan Division, Mumbai, in Revision No.276 of 2025, by which the delay condonation application seeking condonation of delay of 105 days in filing the said Revision has been allowed by the learned Additional Divisional Commissioner.
3. It is the submission of Mr. Udane, learned Counsel for the

Petitioner that there is no power under Section 44(2) of the *Maharashtra Rent Control Act, 1999* to condone the delay.

4. On the other hand, it is the submission of Mr. Parekh, learned Counsel for Respondent No.2 that there is no delay in filing the said Revision.

5. After arguing the matter for some time, both the learned Counsel, on instructions, state that as various contentions raised by both the parties are not considered, the impugned Order be quashed and set aside by consent.

6. Accordingly, by consent of the parties, following Order is passed :-

- i. The Order dated 29th May 2025 passed by the learned Additional Divisional Commissioner, Konkan Division, Mumbai, in Revision No.276 of 2025, condoning the delay in filing the said Revision, is set aside.
- ii. The learned Additional Divisional Commissioner, Konkan Division, Mumbai, shall decide the delay condonation application filed in said the Revision afresh.
- iii. Both the parties to appear before the learned Additional Divisional Commissioner, Konkan Division, Mumbai, on 22nd December 2025 for deciding the date of hearing of said delay condonation application.
- iv. The learned Additional Divisional Commissioner, Konkan

Division, Mumbai, is requested to decide the said delay condonation application filed in said Revision No.276 of 2025, expeditiously on or before 31st January 2026.

- v. Till the decision of the delay condonation application, the eviction order passed by the Competent Authority shall not be executed.
- vi. It is clarified that this Court has not considered the merits and all contentions on merits are expressly kept open.

7. The Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]