IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.7067 OF 2026
IN
SECOND APPEAL (ST) NO.24508 OF 2026

Veena Realcon Pvt. Ltd. ... Applicant/Appellant
versus
Narendra Ramchand Ochani and Anr. … Respondents

Mr. Vishal Kanade with Mr. Aditya Misquitta, Mr. Viraj Jadhav, Ms. Disha Jain, Ms. Nishita Bhuta, for Applicant/Appellant.
Mr. Samarth Chaudhary with Mr. Niket Jani, Ms. Nandika Seth i/by Jani and Parikh, for Respondents.

CORAM: N.J.JAMADAR, J.

DATE : 7 OCTOBER 2026

SWAROOP SHARAD PHADKE

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P.C.

1. Heard the learned Counsel for the parties.

2. This is an application for condonation of 38 days delay in filing the appeal against the order dated 6 May 2026 passed by the Maharashtra Real Estate Appellate Tribunal in Appeal No.63823 of 2022.

3. Respondents – allottees have opposed the prayer for condonation of delay. Learned Counsel for the Respondents submitted that the reasons ascribed in the application for condonation of delay do not make out a sufficient cause.

4. I have perused the averments in the application. One of the reasons ascribed in the application is that the employee who was entrusted with the

legal proceedings before the Appellate Tribunal had suddenly left the employment with the Appellant, and, therefore, time was consumed in collecting the documents and making preparations to file an appeal. The reasons ascribed in paragraph Nos.3 and 4 of the application cannot be said to be unsustainable.

5. In any event, the period of delay is not inordinate. It is trite that the courts lean in favour of condonation of delay so as to advance the cause of substantive justice which is promoted by the determination of the lis on merits rather than on technicalities.

6. For the foregoing reasons and to advance the cause of substantive justice, this Court is inclined to condone the delay in preferring the appeal.

7. Interim Application stands allowed.

8. Delay in preferring the appeal stands condoned.

9. Interim Application stands disposed.

Second Appeal (ST) No.24508 of 2026 & IA No.7068 of 2026

10. The challenge in this appeal is to an order dated 6 May 2026 passed by the Maharashtra Real Estate Appellate Tribunal, whereby the Appellate Tribunal has modified the order passed by the Maharashtra Real Estate Regulatory Authority and directed the Appellant – promoter to refund the consideration amount paid by the Respondents – allottees along with the interest at the specified rate from the date of the respective payment till the

payment and/or realization.

11. Learned Counsel for the Appellant – Promoter seeks time to consider the affidavit in reply and file an affidavit in rejoinder. The learned Counsel for the Appellant, seeks interim protection as the Appellate Tribunal has posted the execution application tomorrow.

12. Since the impugned order directs the Appellant – Promoter to refund the amount along with interest the interest of the Respondents – allottees is required to be secured.

13. The Appellant – Promoter shall, thus, deposit a sum of Rs.1.75 Crores before the Appellate Tribunal, within a period of four weeks.

14. Subject to the deposit of the aforesaid amount before the Appellate Tribunal within a period of four weeks, there shall be an ad-interim relief in terms of prayer clause (a) of IA No.7068 of 2026.

15. In the event, the said amount is deposited, the Respondents are at liberty to apply for the release of the said amount, before the Appellate Tribunal.

16. Post the Second Appeal and the Interim Application on 4 November 2026.

17. In the meanwhile, the appellant is at liberty to file an affidavit-in-rejoinder and serve its copy on the respondent.

(N.J.JAMADAR, J.)