

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3363 OF 2026

IN

SECOND APPEAL (ST.) NO. 7613 OF 2026

SD SVP Nagar Redevelopment Pvt. Ltd. ... Applicant.

Versus

Ashrafuz Zaman Sheikh. ... Respondent.

Mr. Amanjhot Anand a/w. Mr. Abir P. (V.C.) & Mr. Kartik Joshi
i/b. Wadia Ghandy & Co., Advocate for the Applicant.

Ms. Ritika Agarwal a/w. Ms. Yaminee Verma i/b. M/s. ACE
Legal, Advocate for Respondent.

CORAM: N. J. JAMADAR, J.

DATE : 6th MAY 2026

P.C.:

- 1.** Heard the learned Counsel for the parties.
- 2.** This application is preferred to condone the delay of 17 days in filing the Second Appeal against an order dated 21st August, 2025 passed by the Maharashtra Real Estate Appellate Tribunal in Miscellaneous Application No. 625/2025 and the connected matters.
- 3.** By the said order, the Appellate Tribunal has stayed the execution, operation and effect of the order dated 18th February,

2025 passed by the Maharashtra Real Estate Regulatory Authority, till the final disposal of the appeals.

4. In the application it is averred that, the delay occurred as on 21st August, 2025 only the operative order was pronounced and on 16th September, 2025 the applicant's legal representative came across the reasoned order passed by the Tribunal. On that premise, the period of limitation is reckoned from 16th September, 2025.

5. It is further averred that, time was consumed in consultation and on account of re-structuring of the applicant's group, which was underway since the year 2021, and Ms. Shraddha Birari was the only officer posted in the legal team of the applicant post the restructuring.

6. The learned Counsel for the respondent resisted the prayer for condonation of delay. It was submitted that, the reasons ascribed in the application are not bonafide. It was a case of intentional delay bordering on negligence on the part of the applicant. Reliance was placed on a judgment of the Supreme Court in the case of *Basawaraj & anr. Vs. The Special Land Acquisition Officer*¹, wherein it was enunciated that, in case a party is found to be negligent, or lacks in bonafides or is found to have

1. 2013 (14) SCC 81

not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning an inordinate delay by imposing any condition whatsoever.

7. In the case at hand, even if the period of delay is computed from 22nd August 2025; the next day of the impugned order, the delay cannot be said to be inordinate.

8. It is true, it is not the length of the delay but the sufficiency of the cause ascribed for the delay that is of decisive significance. In the case at hand, in Paragraph No. 10 to 12 of the application the applicant has sought to ascribe reasons for the delay.

9. It is trite, an application for condonation of delay ought to receive a liberal consideration so as to advance the cause of substantive justice. This overarching principle stems from the proposition that, the procedure which is a handmaid of justice shall not be allowed to score a march over substantive justice; which, in turn, is promoted by the determination of the matter on merits rather than on technicalities.

10. On the aforesaid touchstone, the reasons ascribed by the applicant for the delay cannot be said to be unsustainable. The material on record does not indicate that, there was deliberate

inaction or negligence on the part of the applicant. Nor the application is afflicted with malafide. Thus, to advance the cause of substantive justice, this Court is inclined to condone the delay in preferring the Appeal.

11. The delay and inconvenience caused to the respondent can be taken care of by imposing costs.

12. The application thus stands allowed.

13. The delay in preferring the Appeal stands condoned, subject to payment of the costs of Rs. 15,000/- by the applicant to the respondent, within a period of two weeks from today.

14. Upon payment of costs, the Second Appeal be registered and listed before the Court for admission, after three weeks.

[N. J. JAMADAR, J.]