

**BEFORE THE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL, MUMBAI.**

**Misc. Application No.210/19(Stay) @
215/19(Delay)**

**In
Appeal No.AT006000000021482**

Godrej Properties Limited
Versus
Hiten Suryakant Talathi

*(Mr.Abhijeet Maigade a/w Jayesh Muni Advocates for Applicant
Advocate Mr.Sudip Kenjalkar for Non-applicant)*

CORAM : **INDIRA JAIN J. CHAIRPERSON
S. S. SANDHU, MEMBER (A)**

DATE **13TH JANUARY, 2020**

Misc. Application

Heard learned counsel for parties.

This is an application for condonation of delay of around 5 months 6 days in preferring appeal against the order dated 10th December, 2018 passed by the MahaRERA.

Applicants submit that proceedings in complaint were ex-parte and by communication dated 17th April, 2019 for the first time they came to know about the impugned order.

On line appeal came to be filed on 16.05.2019. Thus, from the date of knowledge it is well within time.

✓
Learned counsel for non-applicant has no objection to condone delay and submits that reasonable cost be imposed if application is to be allowed.

As reasons for condonation of delay are supported by affidavit and delay is neither intentional nor deliberate, application is allowed.

Delay is condoned. No costs.

Appeal


Learned counsel for respondent waives notice and upon instructions submits that order being ex-parte, respondent has no objection to remand the matter for fresh decision on merits before MahaRERA.

Learned counsel for appellant upon instructions accepts the same.

Perused impugned order dated 10th December, 2018. The same is set aside.

By consent matter is remanded to the trial Authority for fresh decision on merits as expeditiously as possible.

Parties to appear in complaint before MahaRERA on 06.02.2020.


(S. S. SANDHU)


(INDIRA JAIN J.)

At this stage learned counsel for appellant seeks permission to withdraw the amount deposited with the Tribunal in compliance to the proviso to Sec. 43(5) of the Act, 2016.

Learned counsel for respondent has no objection.

Appellant is allowed to withdraw the mount of Rs.2,00,000/- (Rupees Two Lacs) deposited in the Tribunal in compliance of mandatory provision.


(S. S. SANDHU)
Kdp/CP/14


(INDIRA JAIN J.)