

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

**Misc. Application No. 107 of 2025 (Delay)**

**In**

**Appeal No. AT12500066**

**IN**

**Complaint No. CC006000000385415 of 2023**

**Mukesh Mangilal Jain** )  
A/503, Anmol CHSL, SV Road, )  
Goregaon, West, Mumbai. ) **... Applicant**

*Versus*

**1. Acme Industries Private Limited** )  
**2. Dilip Pukhraj Doshi** )  
**3. Ranjan Dilip Doshi** )  
Shatrunjay Plaza, S.V. Road, Near Ram )  
Mandir Signal, Goregaon West, )  
Mumbai - 400104. ) **... Non-applicants**

---

*Adv. Ms. Sadhna Singh for Applicant*

*Adv. Mr. Anirudh Bhalwal for Non-applicants*

---

**CORAM : SHRI S. S. SHINDE (J.), CHAIRPERSON, &  
DR. RAJAGOPAL DEVARA, MEMBER (A)**

**RESERVED ON : 8<sup>th</sup> June 2026**


**PRONOUNCED ON : 19<sup>th</sup> June 2026**

(THROUGH VIDEO CONFERENCE)

**ORDER**

**[ PER : DR. RAJAGOPAL DEVARA, MEMBER (A) ]**

1. The Applicant, who is an 'Allottee', has moved the captioned application for condonation of delay of 299 days caused in preferring the appeal on the grounds that are set out therein.



2. For the sake of convenience, the "Applicant and Non-applicants" will hereinafter be referred to as "Allottee and Promoters" respectively.
3. The brief facts, necessary for the disposal of the present application, are that Allottee has filed Complaint No. CC006000000385415 of 2023 seeking directions against Non-applicants/Promoters to execute and register an agreement for sale in respect of the subject units. The said complaint came to be dismissed as not maintainable by the impugned order dated 1.02.2024. Aggrieved thereby, the Applicant preferred the present Appeal No. AT12500066, along with Misc. Application No. 107 of 2025 challenging the impugned order was filed by the Applicant on 5.02.2025. The Applicant had filed Misc. Application No. 107 of 2025 seeking condonation of delay. It is not in dispute that the prescribed period for preferring an appeal is 60 days from the date of receipt/ knowledge of the impugned order.
4. The captioned appeal ought to have been filed by Applicant on or before 1.04.2024. However, it was filed on 5.02.2025, therefore there is a delay of 299 days in filing the appeal. The Applicant contended that, after passing the impugned order, he had made sincere efforts to resolve the dispute amicably through an intermediary to avoid further litigation and cost of litigation.




According to the Applicant/Allottee, substantial time was spent in negotiating with the Non-applicants, but they were neither responsive nor cooperative to amicably resolve the dispute. Thus, the Non-applicants lack of commitment and unwillingness to settle the dispute became apparent only after a period of approximately 60 days.

5. The Applicant/Allottee further contended that, upon failure of the settlement efforts, the Applicant consulted his erstwhile Advocate regarding the merits of the appeal and chances of success. The legal advice received was contradictory and inconsistent, leading to confusion, leaving the Allottee uncertain about the appropriate course of action and contributing to the delay in filing the appeal within the statutory limitation.
6. In the meanwhile, in the month of July/August, 2024, the Applicant's younger brother Mr. Dileep Jain, who played a central and critical role in day-to-day management of the family business, was suddenly hospitalised owing to a serious and life threatening medical condition and ultimately passed away on 10.08.2024. This devastating loss caused immense emotional distress and substantial disruption to business operations for a long time. Thereafter, the Applicant consulted a new set of legal professionals, who advised that filing appeal was the only viable remedy to



protect his legal rights. Based on such legal advice, the Applicant promptly engaged the present Advocates and initiated the process of filing the appeal. However, by this time, a significant delay occurred due to the combination of initial unsuccessful settlement efforts, the uncertainty arising from the earlier legal advice, personal tragedy of brother's illness and demise, consequent disruption of business operations occasioned the delay, which was neither deliberate nor attributable to negligence or lack of diligence on his part.

7. The Non-applicants/Promoters have filed reply and remonstrated the application, contending therein that there is inordinate delay of 299 days in preferring the appeal. The Applicant has failed to provide any credible explanation accounting for the delay from 1.02.2024 till filing of the application. The Non-applicants/Promoters further contended that no documentary evidence has been produced to demonstrate that any settlement discussions ever took place between the parties. No correspondence, emails, messages or records of any meetings have been placed on record to substantiate the alleged negotiations to settle the dispute.
8. The Non-applicants/Promoters further contended that the plea regarding contradictory legal advice is equally unsupported by any material. No document whatsoever has been produced to



demonstrate the nature of legal advice given by the erstwhile Advocate. It is also pointed out that no action has been taken against the said Advocate in respect of the alleged erroneous advice offered by the erstwhile Advocate.

9. The Non-applicants/Promoters further contended that the Applicant's brother passed away on 10.08.2024, whereas the statutory period for filing the appeal had already expired much earlier to the said unfortunate event. Therefore, the said circumstance could not have prevented the Applicant from filing the appeal within the prescribed period of limitation. The Applicant has failed to explain the delay during the substantial period between February 2024 and July 2024, the relevant period when the appeal ought to have been filed.
10. The Non-applicants/Promoters further contended that the Applicant has failed to provide any satisfactory or legally credible explanation for the inordinate delay of 299 days in filing the present appeal. The grounds relied upon by the Applicant, namely alleged settlement discussions, alleged contradictory legal advice, and the unfortunate demise of Applicant's brother are vague, unsupported by any documentary evidence and in any case occurred long after expiry of the statutory period of limitation. Therefore, the Applicant has failed to establish any sufficient cause warranting condonation



of delay and the present Misc. Application is nothing but an attempt to revive a hopelessly time-barred appeal. Accordingly, the Non-applicants/Promoters have prayed for dismissal of the application.

11. We have heard learned Advocate Ms. Sadhna Singh appearing for Applicant/Allottee, and learned Advocate Mr. Anirudh Bhalwal appearing for Non-applicants/Promoters. The submissions advanced by the learned Counsel appearing for Applicant/Allottee and Non-applicants/Promoters are nothing but reiteration of the contents of the application and affidavit-in-reply.
12. After considering the submissions advanced by the Advocate, Ms. Sadhna Singh, appearing for Applicant/Allottee and Advocate Mr. Anirudh Bhalwal, appearing for Non-applicants/Promoters, the pleadings of the parties, material placed on record and impugned order, the following points arise for our determination, and we have recorded our findings thereupon for the reasons as follows.

<b>Sr. Nos.</b>	<b>Points</b>	<b>Findings</b>
1.	Whether the Applicant/Allottee has established that he had sufficient cause for not preferring the appeal within the time limit prescribed?	In the Negative
2.	What Order?	As per final Order



## REASONS

13. A careful examination of pleadings of the parties and material on record revealed that the impugned order came to be passed on 1.02.2024, the Applicant was supposed to file appeal within a period of 60 days from the date of the impugned order, i.e. 1.04.2024. However, the Applicant has filed appeal on 5.02.2025, thus there is delay of 299 days in filing the appeal.
14. The condonation of delay beyond the period of limitation is contemplated only in a case where an aggrieved party intended to file appeal, but intervening compelling reasons made it impossible for such party to prefer an appeal adhering to the statutory timeline. In relation to condonation of delay in **Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Academy and Ors. [(2013) 12 SCC 649]** The Hon'ble Supreme Court has laid down the following principles:-

*"21.5 Lack of bona fides imputable to a party seeking condonation of delay is a significant and relevant fact;*

*21.7 The concept of liberal approach has to encapsulate the conception of reasonableness and it cannot be allowed a totally unfettered free play;*

*21.9 The conduct, behaviour and attitude of a party relating to its negligence cannot be given total go bye in the name of liberal approach;*

*21.10 If the explanation offered is concocted or the grounds urged in the applications are fanciful, the courts should be vigilant not to expose the other side unnecessarily*



*to face such litigation;*

*21.11 It is to be borne in mind that no one gets away with fraud, misrepresentation or interpolation by taking recourse to the technicalities of the law of limitation;*

*22.1 An application for condonation of delay should be drafted with careful concern and not in a half hazard manner harbouring the notion that the courts are required to condone delay on the bedrock of the principle that adjudication of a lis on merits is seminal to justice dispensation system;*

*22.4 The increasing tendency to perceive the delay as a non-serious matter and hence lackadaisical propensity can be exhibited in a non-challant manner requires to be curbed, of course, with legal Parameters."*

15. In the present case, the Applicant/Allottee has primarily attributed the delay to efforts allegedly undertaken for amicable settlement of the dispute through an intermediary. However, there is no material on record placed to establish the existence of such settlement negotiation between the Applicant/Allottee and Non-applicants/Promoters. There is no correspondence, emails, messages, record of meetings or any documents produced in support of such contention. In the absence of any supporting record, the plea of settlement negotiation remains just an assertion and cannot, by itself, constitute sufficient cause for condonation of inordinate delay of 299 days in filing the present appeal.

16. The Applicant/Allottee has further contended that he received contradictory and unclear legal advice from his erstwhile Advocate,



resulting in uncertainty regarding the next course of action on his part. We do not agree with the contention of the Applicant/Allottee. The Applicant has neither disclosed the particulars of the alleged advice nor placed any material on record to demonstrate as to how such advice prevented him from availing the statutory remedy available within the prescribed period. A vague plea regarding legal advice, unsupported by any material record, cannot be accepted as sufficient cause for substantial delay in filing the appeal.

17. The Applicant/Allottee has further contended that the illness and subsequent demise of his brother on 10.08.2024, resulted in causing the delay in filing the present appeal. We are mindful of the emotional distress and personal hardship faced by the Applicant by such an unfortunate event. It is an admitted position that the statutory period of limitation has expired on 1.04.2024, much prior to the said event. Therefore, the circumstances cited cannot explain the delay that has already accrued before the expiry of limitation period. Further, no material has placed on record to explain how the said event prevented the Applicant from pursuing the remedy of appeal for the subsequent period.
18. It is pertinent to note that the explanation offered and plea put forward by the Applicant/Allottee are general in nature and unsupported by any material on record. Further, the explanation



for the period commencing from the date of the impugned order until the expiry of the prescribed period of limitation and thereafter, the substantial period leading to the filing of appeal is not supported by any documentary evidence. The Applicant has failed to demonstrate that he acted with degree of diligence expected of a litigant seeking to invoke the discretionary powers of the Appellate Tribunal. It is a settled principle of law that, while considering an application for condonation of delay, the conduct of the party, its diligence and adequacy of the explanation offered are relevant considerations.

19. Therefore, we are of the considered view that the explanation offered by the Applicant/Allottee for condonation of delay is not satisfactory and appears to be frivolous. The Applicant failed to file appeal on time and chose to do so only after 299 days of delay. The said situation can only be termed as non-seriousness of the Applicant and the other party cannot be led to suffer and dissolved. Thus, the averments made in the application qua delay of 299 days, cannot be classified as reasonable delay in any manner.
20. The Hon'ble Supreme Court in the case of **State of Madhya Pradesh V/s. Ramkumar Choudhary [2024 SCC Online SC 3612]**, in para 5 has held as under:



"5. The legal position is that where a case has been presented in the Court beyond limitation, the petitioner has to explain the Court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the Court within limitation. In *Majji Sannemma v. Reddy Sridevi*, it was held by this court that even though limitation may harshly affect the rights of a party, it has to be applied with all its rigour when prescribed by statute. A reference was also made to the decision of this Court in *Ajay Dabra v. Pyare Ram* wherein, it was held as follows:

"13. This Court in the case of *Basawaraj v. Special Land Acquisition Officer [(2013) 14 SCC 81]* while rejecting an application for condonation of delay for lack of sufficient cause has concluded in Paragraph 15 as follows:

"15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bona fide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an Inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this Court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamount to showing utter disregard to the legislature."

14. Therefore, we are of the considered opinion that the High Court did not commit any mistake in dismissing the delay condonation application of the present appellant."

Thus, it is crystal clear that the discretion to condone the delay has to be exercised judiciously based on facts and circumstances of



each case and that the expression 'sufficient cause' cannot be liberally interpreted, if negligence, inaction or lack of bona fides is attributed to the party

21. There is no material on record to show that after the impugned order, the Applicant and his legal team have taken any meaningful steps to file appeal. It means the Applicant has miserably failed to offer explanation for the prolonged period of delay. Therefore, we are of the view that sufficient cause is not made out for inordinate delay in filing instant appeal by the Applicant. The Applicant has failed to establish diligence and alacrity in filing appeal within the time limit. Therefore, inordinate delay that has occurred in filing appeal cannot be condoned. The Misc. application No. 107 of 2025 is devoid of merits and thus, deserves to be rejected. We, therefore, proceed to pass the following Order.

**ORDER**

1. Misc. Application No. 107 of 2025 (delay) stands rejected.
2. In view of rejection of delay condonation Application, Appeal will not survive, and the same is accordingly disposed of.



3. Parties shall bear their own costs.
4. Copy of this Order be communicated to the Authority and the respective parties as per Section 44(4) of RERA Act, 2016.



**(DR. RAJAGOPAL DEVARA)**

V. K. Bhojle



**(S. S. SHINDE, J)**