

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**M.A. No. 955/22 (Stay)
WITH
M.A. No.738/23
WITH
M.A. No. 578/23 (Intervention)
IN
APPEAL NO. AT006000000134097/22**

Jinku Co-operative Housing So. Ltd.

... Appellant

-VS-

Victory Platinum Allottees Association & Ors.

... Respondents

Mr. Harshad Bhadbhade, Advocate for Appellant.

Mr. Shailesh Shukla, Advocate for Respondent no. 1.

Adv. Sushant Chavan, for Intervener.

CORAM : SHRI S. S. SHINDE J., CHAIRPERSON, &

DR. K. SHIVAJI, MEMBER (A)

DATE : 09th JANUARY, 2024

(THROUGH VIDEO CONFERENCE)

IN Misc. APPLICATION NO. 578/23

By this Misc. Application, Interveners (16 individual complainants) are seeking to intervene in the captioned appeal as a Party/Respondents on the ground mentioned in the application.

2. Adv. Sushant Chavan submits that Misc. Application be allowed on the ground that the impugned order dated 08th Aug. 2022 passed by MahaRERA has partly allowed the complaint filed by the Association of Allottees. Individual complaints filed by these interveners before the MahaRERA have also been disposed of vide common order, which has been passed along with the complaint of the Association of Allottees.

Admittedly, all the interveners in the present application are also the members of the association of Allottees in the separate complaint filed before the MahaRERA.

3. While disposing the above complaint, MahaRERA has disposed of even the individual complaint filed by these interveners with observation in the impugned order that at this stage of the disposal of the complaints, the Association of Allottees or the newly appointed Promoter shall protect and safeguard bonafide interest of the complainants/interveners as well as the new Allottees and the same shall remain unaltered upon the change of the said Promoter.

4. In view of having the inherent common interest and more particularly because, the appeal filed by the Co-operative Housing Society is seeking relief to quash and set aside the common impugned order dated 08th Aug. 2022 passed by MahaRERA. Ld. Counsel appearing for Interveners strongly submits that these Interveners be allowed to intervene parties as Respondent in the captioned complaint and Misc. Application be allowed.

5. Per contra, Ld. Counsel appearing for Non-applicants/Appellant Co-operative Housing society, Adv. Harshad Bhadbhade vehemently contested the Intervention Application by submitting that the interests of new Allottees are already inherent in the complaint filed by Association of Allottees itself because, all the Interveners are members of the Association also. MahaRERA has also observed that the Association of Allottees has also filed complaint which has been disposed of. If at all these Interveners/Applicants are having any grievance against the impugned order then Applicants need to challenge the impugned order, which has not been done in the instance case.

6. Perused record.

7. Perusal of impugned order also reveals that all the Interveners are



already Members of the Association of Allottees. In the view of peculiar facts and circumstances of the case, we are of the considered view that these Interveners being the members of the association of Allottees may represent through the Association of Allottees in these appeals and therefore Applicants are to be allowed to be formal parties in the array of Respondent in the captioned appeal so as to assist Respondent no. 1 "Association of Allottees" in effective adjudication of disputes.

8. Accordingly, Misc. Application no. 578/23 is partly allowed.

9. No costs.

10. Appellant to amend the appeal within one (1) week by adding proposed Respondent nos. 2 to 17 as formal party and circulate the amended copy.

11. Respondent no. 1 only to file reply.

12. Adv. Sushant Chavan upon instructions ⁱⁿ wave notice for the Applicants proposed Respondent nos. 2 to 17. He is permitted to assist Respondent no. 1 during the course of hearing of appeals.


(DR. K. SHIVAJI)


(S. S. SHINDE, J.)

MS/-