

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**MISC. APPLICATION NO. 314 OF 2023 (Restoration)
IN**

APPEAL NO. AT006000000134157 OF 2022

Mr. Hingwala Sufiyan Mohamed Yusuf

... Applicant

-VS-

M/s. Ravi Developers

... Non-applicant

Mr. Sadanand D. Desai, Advocate for Applicant

Ms. Hima Khuman, Advocate for Non-applicant

CORAM : SHRI SHRIRAM R. JAGTAP, MEMBER (J) &

DR. K. SHIVAJI, MEMBER (A)

DATE : 16th FEBRUARY, 2024

(THROUGH VIDEO CONFERENCE)

MISC. APPLICATION NO. 314 OF 2023 (Restoration)

Advocate Mr. Sadanand D. Desai, learned counsel for Applicant submits that captioned Appeal filed in the Tribunal has been dismissed by the Registrar of the Tribunal vide its Order dated 10th April, 2023 whereas the provisions of Para 11 sub para (iii) of the Regulations of the Tribunal clearly shows that the Registrar of the Tribunal is not competent to reject such Appeals. Instead, he is expected to place the same before the Bench for appropriate Order. In view of the provisions of the Regulations, learned counsel for Applicant urged that the Order of the Registrar dated 10th April, 2023 be set aside and captioned Misc. Application be allowed.




- 2] Advocate Ms. Hima Khuman, learned counsel for Non-applicant opposed the same.
- 3] Perused.
- 4] In view of the provisions of the Regulations in Para 11(iii) of the Regulations of the Tribunal, it is more than evident that the Order dated 10th April, 2023 passed by the Registrar is not sustainable and accordingly, there is no impediment if the Order dated 10th April, 2023 is set aside and captioned Misc. Application is allowed accordingly.
- 5] Therefore, captioned Misc. Application stands allowed.
- 6] Applicant to take steps to rectify the objections raised by the Office within 10 days and serve certified copy to other side.
- 7] No costs.

In Appeal

Stand over to 22nd March, 2024 for rectification of the objections.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP, J.)