

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**MISC. APPLICATION NO. 225 OF 2023 (Delay)
WITH
MISC. APPLICATION NO. 584 OF 2023
(Setting aside ex-parte Order by R-2)
IN
APPEAL NO. AT006000000134203 OF 2023**

Bharat Baban Khadtare & Anr.

... Applicants

-VS-

CCI Projects Pvt. Ltd. & Anr.

... Non-applicants

Ms. Shivani Shukla, Advocate for Applicants.

Ms. Prottyusha i/b. Mr. Abir Patel, Advocate for Non-applicant No.1.

Ms. Asmita Rajbhar i/b Adv. Mr. Mangesh Nalawade, Advocate Non-applicant No.2.

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 16th FEBRUARY, 2024

(THROUGH VIDEO CONFERENCE)

Misc. Application No.584/2023

Advocate Ms. Shivani Shukla submits that rejoinder from Non-applicant No.2 on Misc. Application No.584/23 has been received only yesterday.

2] Advocate Ms. Asmita Rajbhar, learned counsel for Non-applicant No.2 submits that due to inadvertence, Non-applicant No.2 could not appear. She initially submitted that the Appeal and the intimation of Notice



for appearance was not received and the link for meeting was also not received. Therefore, it is only just and fair that the Non-applicant No.2 be heard and be granted a liberty to controvert the contentions made in the Appeal.

2] Advocate Ms. Shivani Shukla, learned counsel appearing for Applicants vehemently opposed the captioned Misc. Application by submitting that the Application itself in para 7 clearly mentions about the Notice of the hearing alongwith Appeal, which were served and only link for the meeting was not been provided to Non-applicant No.2. Advocate Ms. Shivani Shukla, vehemently opposed by further submitting that it is unlikely that Non-applicant No.2 in Appeal will not receive meeting link and therefore, captioned Misc. Application be rejected.

3] Perused.

4] It appears that the Non-applicant No.2 has not appeared due to inadvertence, and it will be in the interest of justice that the Non-applicant No.2 be allowed to participate in the Appeal proceedings and accordingly, we are of the view that the captioned Misc. Application be allowed and we proceed to pass the following Order as follows.

ORDER

1. Misc. Application No.584/2023 stands allowed.
2. Ex-parte Order dated 28th July, 2024 is recalled subject to cost of



Rs.10,000/- to be paid directly to the account of the Complainants within two weeks.

3. Payment of costs is condition precedent.

In Appeal

Advocate Ms. Protyusha submits that reply in Misc. Application No.225/23 for delay has already been filed and circulated.

2] Advocate Ms. Asmita Rajbhar submits that the copy of Misc. Application No.225/23 has not been received.

3] Advocate Ms. Shivani Shukla undertakes to send soft copy of the Misc. Application No.225/23 within 3 days.

4] Stand over to 27th March, 2023 for reply of Non-applicant No.2 and hearing on Misc. Application No.225/23.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP, J.)

MBT