

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**M.A. No. 315/23 (Restoration)
IN**

APPEAL NO. AT006000000144277/23

Rituja R. Parab & Anr.

... Applicants

-VS-

Nirman Realtors & Developers Ltd.

... Non-applicant

Ms. Varsha Kulay, Advocate for Applicants

Mr. Hemant Umrigar, Advocate for Non-applicant.

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 22nd AUGUST, 2023

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

2] Adv. Varsha Kulay submits that appeal filed by the Applicants has been dismissed on account of office objection for none submission of the hard copies within the time schedule.

3] Learned counsel for Applicants submits that hard copies could not be submitted because Applicants are old aged, and that took longer time and now the Applicants are in a position to file and circulate the physical copies, for which she urges for appeal be taken on record.

4] Heard Authorized Representative of Non-applicant, who vehemently opposed by submitting that application should not allowed because the office objections have not complied with within the time schedule provided therein.



5] Perused order dated 10th April, 2023. Wherein, appeal filed by the Applicants, has been dismissed on account of none submission of the physical copies despite giving opportunities. However, perusal of the Regulation No. 11(iii), provides that in case of the office objection, the registry to prepare appropriate suitable memorandum and place the same along with details of the office objections to concerned bench. This has not been complied with.

6] In view of the foregoing, we are inclined to allow the Restoration Application No. 315/23.

7] Accordingly, Applicants are permitted to file the physical copies and comply with the office objections within 10 days from the date of uploading of this order. Accordingly, Misc. Application No. 315/23 is disposed of as above and for submissions and for rectification of the office objections within 10 days, will be condition precedents.

8] No costs.

9] Stand over for 17th Oct. 2023.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP, J.)

MS/-