

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

MISC. APPLICATION NO. 09 OF 2023 (Dismissal of Appeal)
IN
APPEAL NO. AT006000000053440 OF 2021

U S Open (ACES/match point)

... Appellant

-VS-

Ricardo Construction Pvt. Ltd.

... Respondent

Mr. Prashant Gavali a/w Ms. Mahalakshmi Ganapathy, Advocate for Appellant.

Mr. Nimay Dave, Advocate for Respondent.

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 16th FEBRUARY, 2024

(THROUGH VIDEO CONFERENCE)

Learned counsel for Respondent submits that the Respondent has filed Misc. Application No.09/2023 raising preliminary issue on the maintainability of the Appeal itself and press^{ed} for its hearing.

2] Advocate Mr. Prashant Gavali, learned counsel for the Appellant submits that the ground mentioned in the Misc. Application goes to the root.

3] Accordingly, Misc. Application No.09/2023 will be heard alongwith the Appeal at the time of final hearing.



- 4] Respondent to file reply and serve copy of reply within four weeks' time.
- 5] Liberty to the Appellant to file rejoinder, if any, limited to the new point or fresh contention, if any, in the reply.
- 6] Stand over to 4th April, 2024 for completion of pleadings.



(DR. K. SHIVAJI)

MBT



(SHRIRAM. R. JAGTAP, J.)