

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

MISC. APPLICATION NO. 403 OF 2023 (Prod. of Docs.)
IN

MISC. APPLICATION NO. 532 OF 2023 (Prod. of Docs.)
IN

APPEAL NO. AT006000000053646 OF 2022

Dilip Estate & Town Planners Pvt. Ltd.

... Appellant

-VS-

Raju Chawla

... Respondent

Mr. Kunal Mehta, Advocate for Appellant.

Mr. Mohit Advani, Advocate for Respondent.

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 05th JANUARY, 2024

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

MISC. APPLICATION NO. 403/2023

Advocate Mr. Kunal Mehta appearing for applicant/ appellant submits that by filing Misc. Application No. 403/2023, appellant is seeking to place a more legible copy of plan, which is already placed on record. No other additional documents have been submitted.

2] Learned counsel for respondent/ non-applicant upon



instructions submits that he has no objection to allow Misc. Application 403/2023 and produce the documents mentioned therein.

3] Being not objected, Misc. Application No.403/2023 is allowed and production of documents^{is} is permitted without prejudice to the rights and contentions of the parties, with liberty to other side to rebut the same on merits.

4] Misc. Application No.403/2023 is allowed and disposed of on above terms.

MISC. APPLICATION NO. 532/2023

Advocate Mr. Mohit Advani appearing for respondent/ applicant submits that by filling Misc. Application No.532/2023, respondent is seeking to produce two documents namely 'Exhibit-A' and 'Exhibit-B', which are absolutely essential in view of the certain changes/updates in the project.

2] Advocate Mr. Kunal Mehta appearing for appellant/ non-applicant vehemently opposed the Misc. Application No.532/2023 by submitting that these documents have come into existence only after 18 months of the impugned order and therefore the these documents will not be relevant as far as the dispute/controversy in the instant case is involved.



3] Advocate Mr. Mohit Advani in rejoinder submits that these documents are absolutely essential and be permitted subject to the rights and contentions of the parties are kept open.

4] Perused.

5] Attached documents in Misc. Application i.e. Exhibit-A' is the planned project copy dated 06.05.2023 and Exhibit-B' is the bank statement.

6] Perusal of these two records clearly reveals that these documents are required for effective adjudication of the controversy involved in this appeal.

7] Accordingly, captioned Misc. Application No.532/2023 is allowed and Exhibit-A' and 'Exhibit-B' mentioned therein are allowed to be produced, without prejudice to the rights and contentions of the parties with liberty to other side to rebut the same on merits at relevant time.

8] Misc. Application No.532/2023 is allowed and disposed of on above terms.

APPEAL NO. AT006000000053646 OF 2022

Learned counsel for parties joined the conference and confirms that pleadings are complete and seeks time to file only additional written submissions.



- 2] Liberty as sought for is granted.
- 3] Parties to file and circulate additional written submissions within four weeks.
- 4] Stand over to 19th March, 2024 for written submissions.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP, J.)