

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**MISC. APPLICATION NO. 293 OF 2022 (Restoration)
IN
APPEAL NO. AT006000000063838**

Shabnam Singh & Anr.

... Applicants

-VS-

Omkar Realtors & Developers P. Ltd. Anr.

... Non-applicants

Ms. Rupali Gupta, Advocate for Applicants.
None for Non-applicants

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 24th AUGUST, 2023

(THROUGH VIDEO CONFERENCE)

MISC. APPLICATION NO.293 OF 2022

Ms. Rupali Gupta, learned counsel for Applicants joined the conference. None for Non-applicants.

2] Learned counsel for Applicants submit⁵ that appeal filed by Applicants have been dismissed by the Registry vide order dt. 10.04.2023 on the ground stated to be on account of non-compliance of certain office objections within the time provided therein.

3] She further submits that there was inadvertent error by the Registry pointing out that certified copy was not filed whereas, the certified copy was already filed therein.

4] Learned counsel for Applicants submits that certified copy

was received on 11.08.2022 from MahaRERA and was filed in the same month.

5] Perused Chapter VII of the Maharashtra Real Estate Appellate Tribunal Regulations, 2019 para 11(iii), wherein, it is mentioned that in case of office objection(s), the Registry to prepare an appropriate memorandum and it shall be placed before the concerned Bench for appropriate decision.

6] Perusal of record reveals that provisions of this regulation were not followed while dismissing the captioned appeal by the Registry.

7] In view of above, Misc. Application No.293/2022 is allowed by setting aside the order of the Registry dated 10.04.2023 and the appeal is now taken on record.

8] No cost.

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Appellants to serve copy of appeal to Respondents and file affidavit of service.

2] Stand over to 23rd October, 2023 for affidavit of service and appearance of Respondents.


(DR. K. SHIVAJI)


(SHRIRAM R. JAGTAP, J.)