

**BEFORE THE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL MUMBAI**

M.A. No. 668/23 (Restoration)

In

5] Appeal No. AT006000000063857/22

Hatee Ram Pattanayak & Ors.

... Applicants

V/s.

M/s. Nirmal Lifestyle Ltd. & Ors.

...Non-Applicant_s 

Adv. Mr. Nitin Kaskar for Applicants

Adv. Ms. Mrunali Lanjewar for Non-Applicants

**CORAM : SHRI SHRIRAM. R. JAGTAP, MEMBER (J), &
DR. K. SHIVAJI, MEMBER (A)**

DATE : 6th May, 2024

(THROUGH VIDEO CONFERENCE)

ORDER

Heard learned counsel for parties.

2. By this application, applicants are seeking the restoration of the appeal which has been dismissed by setting aside the order of the Learned Registrar dated 10th April 2023, whereby the appeal filed by the applicants has been dismissed for want of certain office objections *inter alia* for non production of hard copy within time schedule prescribed therein.

3. Advocate Mr. Kaskar appearing for the applicants submits that the said dismissal order was not communicated and learned Registrar has no power to take decision in such matters as prescribed in the regulation of the Tribunal.

4. Advocate Mr. Kaskar further submits that both the applicants are



senior citizens and therefore prayed for restoration of the captioned appeal to the file of the Tribunal.

5. Advocate Ms. Mrunali Lanjewar learned advocate appearing for Non-applicants vehemently opposed the same by filing written reply on the grounds set out therein and further submits that their reply be taken as oral submissions.

6. Perused.

7. By order dated 10th April 2023, of this Tribunal, appeal filed by the Appellant has been dismissed on account of non submission of physical/ hard copy despite giving the opportunity. However, perusal of the Regulation 11(iii) of this Tribunal provides that in case of such office objections, the Registry is expected to prepare an appropriate suitable memorandum and place the same along with other necessary details of office objections and relevant documents to the concern bench. Perusal of record further reveals that the said order dated 10th April 2023 has been passed without complying with the Regulation of this Tribunal and therefore the order passed on 10th April 2023 is vitiated for want of compliance. Accordingly we are inclined to allow the captioned restoration application and we proceed to pass the order as follows.

ORDER

1. Captioned Misc. Application No.668/2023 is allowed and appeal is restored to the file of the Tribunal.

2. Applicants are permitted to file physical copies and comply with all other office objections, within 15 days from the date of this order, failing which further appropriate order will be passed.

3. Captioned Misc. Application stands disposed off on above terms.

4. No costs.



5. Stand over to 26th June 2024 for compliance.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP)

VSS