

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

**MISC. AAPPLICATION NO. 250 OF 2023(Restoration)  
IN  
APPEAL NO. AT006000000053728 OF 2022**

Rare Townships Pvt. Ltd.

.. Applicant

-VS-

Saji Mathews & Anr.

.. Non-Applicants

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*Adv. Ms. Sana Khan for Applicant.*

*Adv. Ms. Namrata Solanki i/b Adv. Mr. Avinish Pawar for Non-Applicants.*

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

**DATE : 1<sup>st</sup> August, 2023.**

**(THROUGH VIDEO CONFERENCING)**

Learned Advocate Ms. Sana Khan submits that pursuant to Order of this Tribunal the Applicant has deposited Rs.18,01,835/- in the Tribunal and filed compliance report.

2] Per contra, Advocate Ms. Namrata Solanki submits that the Applicant has not provided details in the compliance report as to how the Applicant has calculated the interest and on what amount.

3] On going through the earlier Roznama, it is seen that it has been recorded in the Roznama that MahaRERA has directed to deposit interest upon the amount deposited by the Non-applicant till 31<sup>st</sup> March, 2022.

*S. Jagtap*

Therefore, Non-applicant has grievance, if any, then Non-applicant is at liberty to file the statement of interest calculation.

**MISC. APPLICATION NO. 250/23**

We have heard Advocate Ms. Sana Khan for Appellant/ Applicant.

2] A perusal of Misc. Application No. 250/23 would show the Appeal was dismissed by the Registrar on account of non-compliance of Office objection i.e. Appellant has failed to file physical copy of the Appeal Memo on record.

3] According to Appellant, Mr. Santosh Bavdekar, office boy of Appellant's Advocate was directed to file the physical copy of the Appeal but owing to his illness and personal reasons he left the office, as a result thereof, physical copy of the Appeal could not be placed on record.

4] It is well settled position of law that lis is to be decided on merits. It is further guided that the Court must take liberal approach for deciding lis on merits.

5] Considering the grounds put forth by Applicant, we are of the view that there is no impediment in allowing the Application.

6] Accordingly, Misc. Application No. 250/23 is allowed.

7] Order dated 10.04.2023 dismissing the Appeal is set aside.

8] Appeal is re-admitted.

**In Appeal**

Learned Advocate Ms. Namrata Solanki submits that Respondents have not received the copy of Appeal Memo.

2] Learned Advocate Ms. Sana Khan undertakes to re-serve the copy Appeal Memo to the other side.

3] Stand over to 14<sup>th</sup> September, 2023 for filing reply to Appeal and compliance report.



**(DR. K. SHIVAJI)**



**(SHRIRAM R. JAGTAP)**

MBT