BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL MUMBAI

M.A. No. 341/23 (withdrawal of Amt.)
M.A. No. 195/24 (Interim Stay)
In
Appeal No. Appeal No. G-02/2022

M/s. Navkar Goa Enterprises ... Appellant

V/s.

Ann Marie D'souza ... Respondent

Adv. Mr. Parth Chande for Appellant

Adv. Ms. Shivani Shukla for Respondent

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

DATE : 4th April, 2024

(THROUGH VIDEO CONFERENCE)

Advocate Mr. Parth Chande submits that Appellant has moved Misc. Application No. 195/24 and prayed to stay the impugned order passed by learned Member, Goa RERA. He further submits that he has served copies of Misc. Application and the allied documents to other side.

2] Advocate Ms. Shivani Shukla submits that she has not received copies of Misc. Application and documents annexed thereto.

3] Advocate Mr. Parth Chande undertakes to re-serve it.

4] Record reveals that by the order dated 1st August, 2023 the

impugned order dated 15.2.2022 came to be stayed till disposal of the Appeal.

5] It further transpires that pursuant to impugned order dated 15.2.2022, the complaint for the purpose of adjudication and determination of compensation was referred to the Adjudicating Officer. After hearing the parties, the learned Adjudicating Officer disposed of the complaint by his order dated 14th July, 2022. Under such circumstances, the Appellant was expected to challenge this order. However, the Appellant instead of challenging this order moved this Application and sought clarification of the order dated 1.8.2023.

6] We are of the view that there is no necessity to clarify the order passed by this Tribunal dated 1st August, 2023 staying the impugned order dated 15.2.2022, because the impugned order came to be stayed by order dated 1st August, 2023. It means before granting stay to the impugned order the learned Adjudicating Officer has already disposed of the complaint which referred to him for adjudication and determination of compensation. Under the circumstances we are of the view that there is no necessity to give clarification of the order dated 1st August, 2023. However, Respondent is at liberty to reply to Application bearing No. 195/2024.

7] Advocate Ms. Shivani Shukla submits that the Appellant served unpaginated copy of Appeal Memo and allied documents. Advocate Mr. Parth Chande undertakes to re-serve paginated copies of Appeal Memo and allied documents to Respondent.

8] Record reveals that the Appellant has already filed reply to Appeal.

9] Learned Counsel submit that so far as the Appeal is concerned, pleadings are complete. Therefore, parties are directed to file written submissions and exchange copies thereof to each other well before the next date.

10] Stand over to 25th July, 2024 for filing reply to M.A. No. 195/24 by Respondent and for filing written submissions.

(DR. K. SHIVAJI) **(SHRIRAM. R. JAGTAP)**

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