

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**17] M.A. NO. 542 OF 2023 (Prod. Of Dcts.)  
IN  
APPEAL NO. AT006000000144294 OF 2023**

Omkar Hansraj Guhilot & Anr.

... Appellants

-VS-

Ekta Parksville Homes Pvt. Ltd.

... Respondent

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*Adv. Jitendra Ahuja for Appellant.*

*Adv. Abir Patel for Respondent.*

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

**DR. K. SHIVAJI, MEMBER (A)**

**DATE : 16<sup>th</sup> OCTOBER, 2023**

**(THROUGH VIDEO CONFERENCE)**

**In M.A. NO. 542 OF 2023**

By this application, Respondent/Promoter is seeking to produce on record additional documents based on grounds as set out in the application by submitting that this document is occupancy certificate and is essential for the effective adjudication of the dispute in question. He further submits that this application is necessary document, this could not be produced earlier as the occupancy certificate is dated 27<sup>th</sup> July 2023 (as on page no. 633) and has been received after filing of the appeal.

Adv. Jitendra Ahuja vehemently opposes the misc. application by submitting that promoter has been constantly trying to delay the matter by putting one point or other. Moreover, these documents are not directly related. Adv. Jitendra Ahuja further opposes the misc. application by submitting that principles of estoppel will operate. Hence, the documents cannot be allowed to be produced on record.

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Perused.

Instant document which is sought to be produced is the occupancy certificate dated 27<sup>th</sup> July 2023. Evidently this document has been received after filing of the appeal and this document is prima facie essential document which is required for the effective adjudication of the dispute in this appeal.

Accordingly, we are of the view, there is no impediment if this misc. application is allowed. Accordingly, the document is allowed to be produced on record without prejudice to the rights and contentions of the parties and the point of admissibility and relevancy open to be rebutted on merit by the other side. Accordingly, Misc. Application no. 542 of 2023 is allowed.

No costs.

Liberty to parties to file additional reply/written submissions.

**IN Appeal**

Learned counsel for the parties confirm that the pleadings are complete and seek 4 weeks' time to file and circulate/exchange written submissions.

Stand over to 11<sup>th</sup> January 2024 for written submissions.

  
(DR. K. SHIVAJI)

  
(SHRIRAM. R. JAGTAP)

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