

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

30] APPEAL NO. AT006000000144329 of 2023

Sanjeev K. Shelgikar & Anr. ... Appellants
Vs
Sumer Radium Reality Pvt. Ltd. & Ors. ... Respondents

With

31] APPEAL NO. AT006000000144330 of 2023

Goldcrest Infotech Solutions Pvt. Ltd. ... Appellant
Vs
Sumer Radium Reality Pvt. Ltd. & Ors. ... Respondents

With

32] APPEAL NO. AT006000000144331 of 2023

Westex Infotech Pvt. Ltd. ... Appellant
Vs
Sumer Radium Reality Pvt. Ltd. & Ors. ... Respondents

With

33] APPEAL NO. AT006000000144337 of 2023

Vinod Modha & Anr. ... Appellants
Vs
Sumer Radium Reality Pvt. Ltd. & Ors. ... Respondents

Adv. Rushabh Parekh for Appellants.
Adv. Chirag Sarawagi for Respondent No.2.

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

DATE : 13th September, 2023.

(THROUGH VIDEO CONFERENCING)

Sealed

Adv. Rushabh Parekh submits that pursuant to directions of this Tribunal, the appellants have given intimation of the next date of hearing in writing to Respondent Nos. 1 and 3 and filed affidavit of service.


2. A perusal of affidavit of service would show that the respondent no.1 is duly served with notice. There is stamp of Respondent No.1 and signature of Respondent no.1. Apart from this it transpired that the appellants have sent intimation of today's date of hearing to Respondent No.1 by Currier and the tracking report clearly indicates delivery of item to respondent no.1.

3. Therefore, we are of the view that respondent no.1 is duly served with notice. Despite this respondent no.1 has failed to appear in the matter. So far as, respondent no.3 is concerned, there is no proper service of notice on respondent no.3.

4. Adv. Rushabh Parekh undertakes to reserve the notice on respondent no.3.

5. Last opportunity is granted to respondent no.1 for appearance.

6. Stand over to 30th November 2023 for filing reply by Respondent No.2, appearance of Respondent No.1 and filing affidavit of service with respect to Respondent No.3.


(DR. K. SHIVAJI)


(SHRIRAM R. JAGTAP, J)