

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

**MISC. APPLICATION NO. 807 OF 2022
(Possession & Recovery of outstanding dues)
MISC. APPLICATION NO. 451 OF 2023(production of Docs.)
IN
APPEAL NO. AT006000000053027 OF 2021**

Adv. Mr. Prashant M. Sane

.. Appellant

-VS-

M/s Vital Developers Pvt. Ltd. & Ors.

.. Respondents

Adv. Mr. Prashant M. Sane/Appellant in person.

Adv. Mr. Makarand Raut for Respondents.

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

DATE : 6th October, 2023.

(THROUGH VIDEO CONFERENCING)

Misc. Application No. 451 of 2023.

We have heard appellant in person and learned Advocate Mr. Makarand Raut for respondents.

2] By Misc. Application No. 451 of 2023 the appellant wants to produce documents on record on the grounds enumerated in the application, mainly on the ground that the documents which are sought to be produced on record were produced before the learned Authority, but the same were not considered by the learned Authority.

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3] Learned Advocate Mr. Makarand Raut strenuously submitted that after closer of the complaint for judgment, the appellant had uploaded documents on the website of MahaRERA. He further submits that bald allegations are made against the respondents that the respondents had deliberately wiped out the documents which were produced on record before MahaRERA. He has placed reliance on the judgment of the Hon'ble Supreme Court in the case of Daman Singh and Others Vs. State of Punjab and Others [(1985) 2 SCC 670] and submitted that no party or counsel is entitled to make a grievance that the grounds argued were not considered, if indeed any ground which was argued was not considered it should be open to the party aggrieved to draw the attention of the court making the order to it by filing a proper application for review or clarification. The time of the superior courts is not to be wasted in enquiring into the question whether a certain ground to which no reference is found in the judgment of the subordinate court was argued before that court or not. Apart from this these documents are not relevant for adjudicating matter in issue. He has further submitted that the documents are irrelevant and cannot be allowed to be produced on record.

4] After considering the submissions of the parties and controversy between the parties, if a fair and reasonable opportunity is

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extended to the appellant to produce the documents on record, no prejudice will be caused to either of the parties. The admissibility and relevancy of the documents with regard to the matter in issue can be considered at the time of final hearing. Therefore, the production of documents is allowed subject to admissibility and relevancy of the documents with regard to matter in issue. Accordingly, Misc. Application No. 451 of 2023 is allowed.

5] Stand over to 20th December 2023 for final hearing.


(DR. K. SHIVAJI)

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(SHRIRAM R. JAGTAP)