

Sarnobat

MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL

APPEAL NO. 0006000000010483

Narendra Ramchand Ochani.

)... Appellant/s.

Vs.

M/s. Veena Realcon Pvt. Ltd.

)... Respondent/s.

Mr. Nilesh Gala Advocate, for the Appellant/s.

Mr. Chinmaya Acharya, Advocate for the Respondent/s.

CORAM : SUMANT M. KOLHE, (Member J.)

DATE : JANUARY 28, 2019.

ORAL ORDER :


Heard Ld. Advocates of both the sides.

2. Order dated 23.05.2018 passed by Chairman MahaRERA in Complaint No. CC006000000023946 is challenged in this Appeal. Ld. Advocate for the Respondent is ready with reply to original complaint and wants to file it on record as the Respondent had not filed reply to the original complaint before the Authority. Principle of natural justice is required to be followed while deciding the dispute under RERA Act 2016. Moreover, Respondent can raise his defence in writing by filing reply to the complaint before MahaRERA authority. Since it is necessary to remand the matter for afresh hearing. Dispute pertains to Section 18, Section 71 and Section 72 r.w. Section 31 of RERA Act 2016. So matter will be remanded to adjudicating officer. Parties are at liberty to file additional pleadings i.e. rejoinder etc. before adjudicating officer. Once reply filed by the Respondent is taken on record by adjudicating officer, after giving full opportunity to both the sides to file pleadings and to

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produce documents and after hearing both the sides the Ld. Adjudicating officer is directed to decide the matter afresh on merit. All the contentions and objections raised or to be raised by both the parties are kept open to be decided on merit by adjudicating officer. Both the parties shall appear before adjudicating officer MahaRERA on 26.02.2019. Adjudicating officer shall decide the complaint on merit within the stipulated period as laid down under RERA Act, 2016. In the result without touching to the merits of the dispute I allow the Appeal and remand the matter and pass the following order.

ORDER

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- I) Appeal is allowed.
 - II) Impugned order dated 23.05.2018 passed by Chairman MahaRERA in Complaint No. CC006000000023946 is hereby set aside.
 - III) Complaint No. CC006000000023946 is remanded back to adjudicating officer for afresh decision on merit.
 - IV) Adjudicating officer shall give opportunity to both the sides to file additional pleadings including reply, to the complaint by Respondent as well as rejoinder if any by complainant to the said reply before adjudicating officer.
 - V) Parties to appear before adjudicating officer on **26.02.2019**.
 - VI) Notices for appearance before adjudicating are dispensed with.

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VII) Adjudicating officer shall decide the matter within stipulated time as laid down under the RERA Act.

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28.01.2019.

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[SUMANT M. KOLHE,]
JUDICIAL MEMBER,
Maharashtra Real Estate
Appellate Tribunal,(MahaRERA)
Mumbai.