

**MAHARASHTRA REAL ESTATE APPELLATE
TRIBUNAL UNDER RERA Act**

No. AT006000000010364

M/s. Padmavati Maitri
through its partner Apurva Shah
Row House No.7, Jansukh Niwas,
Kasturba Road, Kandivali (West),
Mumbai 400 067.

.. Appellant.

Vs.

1. Varun Goenka
B-101, Shikhar Kunj, Upper Govind Nagar,
Malad East, Mumbai 400 097

.. Respondents

Adv. Ankit Dube for the Promoter.

None for the Respondents, inspite of service.

CORAM : Hon'ble Shri K. U. CHANDIWAL, J.

Heard on : 29th August , 2018

Dictated/Pronounced on: 29th August, 2018

Transcribed on : 30th August, 2018

:-ORAL JUDGMENT:-

Heard.

1. This is Promoter's appeal questioning the directions of Ld. Chairperson dated May 9, 2018, asking the Promoter to execute Agreement for Sale in favour of the original Complainant Varun Goenka. Since the appeal deals with challenge of directions, order in terms of payment as provided under Sec. 43(5) - Proviso of RERA is not warranted and hence not recorded.
2. Original Complainant Varun inspite of service to remain present today is absent.




3. A short point raised by the Promoter / Appellant is the order apparently is ex parte against him and there is incorrect e-mail address with the Authority for which communication was effected on 16th June, 2018 for change of e-mail address which has created confusion and virtually there was no communication to the Appellants of the events that has transpired before the RERA Authorities.
4. Accepting the above position, since the order illustrates to be ex parte and also informs that on March 7, 2018, notice was served to Promoter calls for interference. This is moreso, there was incorrect e-mail address of the Appellant which prevented the Appellant to prosecute his remedies as a Promoter before the Authority. Without further adverting to merits for which passing reference is given by the Ld. Counsel, the matter warrants to be remanded.

-: **ORDER** :-

1. The order dated 9th May, 2018 of Ld. Chairperson, MahaRERA is set aside.
2. The matter is remanded to the Ld. Chairperson, MahaRERA, Mumbai or to the Adjudicating Officer, Mumbai.
3. Parties to appear before the Authority on 18th September, 2018. The Appellant and MahaRERA Authority shall communicate the date to the original Complainant.
4. All points between the parties are kept open.
5. No costs.

Dictated and pronounced in open Court today.

Place: Mumbai
Dated: 29th August, 2018


(K. U. CHANDIWAL, J.)
President,
Maharashtra Revenue Tribunal,
Mumbai
& I/c. Maharashtra Real Estate
Appellate Tribunal, (MahaRERA),
Mumbai