

BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI

COMPLAINT NO: CC005000000000035

Rupesh Lilachand Jain ... Complainant.

Versus

Vishwajeet Subhash Jhavar ... Respondent.
MahaRERA Regn: P52100002514

Coram: Shri B.D. Kapadnis, Hon'ble Member & Adjudicating Officer.

Complainant : Absent.

Respondent: Represented by Advocate , Javed.

17th November 2017

Final Order

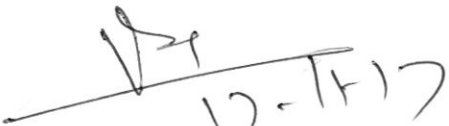
To-day, the complaint is for hearing. The Complainant has failed to appear on 22.9.2017, 3.10.2017, 24.10.2017, 1.11.2017. It means that Complainant remained absent throughout, though dates of hearing were intimated. In this circumstance the following order.

ORDER

The complaint is dismissed for default.

Mumbai.

Date: 17.11.2017.


(B.D. Kapadnis)
Member & Adjudicating Officer
MahaRERA

**BEFORE THE
MAHARASHTRA REAL ESTATE REGULATORY AUTHORITY
MUMBAI.**

COMPLAINT NO: CC0050000000000035

Rupesh Jain ... Complainant.

Versus

Marvel Land Marks Pvt. Ltd. ... Respondents.
(Marvel Ganga Sangria)

MahaRERA Regn: P52100002514

Coram: Shri B.D. Kapadnis,
Hon'ble Member & Adjudicating Officer.

Appearance:
Complainant: Adv. Mr. S.M.Kerjalkar.
Respondents: Absent.

**Order on the application for restoration of the Complaint No.
CC0050000000000035.**

The complainant has filed the application for restoration of the complaint which has been dismissed for default on 17.11.2017.

2. The complainant has contended that the intimations dated 22.09.2017, 03.10.2017, 01.11.2017 were directed to respondents to appear in the matter and he was not intimated to remain present before Authority on these dates. Hence he was not present on the said dates. He was not at fault. Hence, he requests to restore the complaint.

3. The respondents have filed their application to oppose the restoration application.

4. The learned advocate of the complainant has brought to my notice that it is mentioned in the order that the complainant remained absent



though he was intimated to remain present on the said dates. In fact, the notices which were sent to the parties contained that the respondents were to appear in the matter on those dates. I have verified this fact. Therefore, I agree with the complainant that he was prevented by sufficient cause namely the mis-understanding, from attending the matter when it was called on for hearing.

5. There is no express provision in Real Estate (Regulation and Development) Act, 2016 for restoration of the complaint. Section 38(2) of the Act provides that the Authority shall have power to regulate its own procedure. Section 39 confers the power on Authority to rectify its order. The Rule 39 of the Maharashtra Real Estate Regulatory Authority (General) Regulations 2017 provides that inherent powers of the Authority to make such order as may be necessary for meeting the ends of justice have been saved. After considering these provisions of law, I find that when the complainant has proved that he was prevented by sufficient cause from appearing before the Authority when the matter was called on, it is necessary to restore the complaint with same number, at the same stage. Since the project is situated in Pune District and all other matters of the project are sent to A.O., at Pune for adjudication, I find it necessary to send this complaint also to A.O., Pune. Hence the following order.

ORDER

The complaint is restored to file with the same number, at the same stage.

It be sent to A.O., Pune for its adjudication.

Mumbai.

Date: 02.05.2018.



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(B. D. Kapadnis)
Member & Adjudicating Officer,
MahaRERA, Mumbai.