

MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL

APPEAL NO. 0006000000010483

Narendra Ramchand Ochani.

)... Appellant/s.

Vs.

M/s. Veena Realcon Pvt. Ltd.

)... Respondent/s.

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

DATE : FEBRUARY 04, 2019.

**REVIEW ORDER OF ORDER OF REMAND DATED 28.01.2019
PASSED BY THIS TRIBUNAL IN APPEAL NO.
0006000000010483.**

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This remand order pertains to the order dated 23.05.2018 passed by Chairman in Complaint No. CC006000000023946. Since Respondent had shown willingness to file reply to the original complainant which was not filed before Chairman MahaRERA Authority, this Tribunal has passed order of remand on 28.01.2019. In fact MahaRERA Authority and adjudicating officer are two separate and independent forums. While passing an order of remand the matter should go to that forum which had passed impugned order. Since impugned order in the present matter was passed by Chairman MahaRERA authority it is just and proper and necessary to remand the matter to the said Authority i.e. Chairman MahaRERA Authority.

2. It appears that while passing the order of remand on 28.01.2019 it is inadvertently mentioned that matter will be remanded to adjudicating officer. In fact appeal is preferred by original complainant for

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getting the interest from the Respondent from the date of default of giving the possession and also for directing the Respondent to hand over the possession with amenities as per terms and conditions of an agreement. The appeal memo is totally silent on the point of remand. However, in order to follow the principle of natural justice by giving opportunity to the Respondent to file the reply to the original complainant and to get decided the matter on merit, this Tribunal has remanded the matter. This Tribunal is having sufficient power under Section 53 sub Section 4(e) for reviewing its decision since, order of remand inadvertently pertains to sending the matter to adjudicating officer instead of Chairman MahaRERA Authority, I exercise the power of review and make correction in the order of remand that in every sentence in the said order wheresoever the word “adjudicating officer” is appeared it should be read as Chairman MahaRERA Authority.

W/S
3. I would like to add that there will be no prejudice to the rights of the parties since, order of remand is made without touching the merit of the dispute and parties are at liberty to raise their grievances and objections before the Authority to which the matter is remanded. So I pass the following order :

ORDER

- I) As per Section 53 Sub-section 4(e) I review the order of remand dated 28.01.2019 to the extent that wheresoever the word “adjudicating officer” appeared in the remand order it shall be read as “Chairman MahaRERA Authority, Mumbai”.

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- II) Inform adjudicating officer as well as Chairman
MahaRERA Authority and both the parties
accordingly.

W/S

04.02.2019.

W/Celluc 4/2/19
[SUMANT M. KOLHE,]
JUDICIAL MEMBER,
Maharashtra Real Estate
Appellate Tribunal, (MahaRERA)
Mumbai.