

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.617 OF 2019
WITH
CIVIL APPLICATION NO. 854 OF 2019
IN
SECOND APPEAL NO.617 OF 2019

APL Yashomangal Developers & Anr. ...Appellants
V/s.

Yashwant Dashrath Sawant & Anr. ..Respondents

Mr.Rohaam Cama a/w Mr.Shanay Shah, Mr.Shashwat Rai i/b
Keystone Partners for the Appellants.

Mr.Pankaj Sutar i/b M/s.Jaykar & Partner for Respondent Nos.1 and
2.

CORAM : S.C. GUPTE, J.

DATE : 3rd DECEMBER 2019

P.C.

1. This second appeal challenges an order passed by Maharashtra Real Estate Appellate Tribunal, Mumbai in an appeal from the order of the Regulatory Authority. The Appeal raises various grounds of challenge. Considering, however, the fact that the appellate order has been passed by a single member sitting on the Appellate Bench, in view of the orders passed by two learned single Judges of this Court in the cases of *Man Global Limited V/s. Bharat Prakash Jaukani and Larsen and Toubro V/s. Ms.Rekha Sinha*, it is agreed between learned counsel for the parties that the

impugned order of the Appellate Tribunal may be set aside and the appeal may be remanded to the Tribunal for a fresh hearing in accordance with law by a duly constituted bench of two members.

2. The impugned order dated 23rd August 2018 is accordingly set aside and Appeal No.AT006000000000245 is remanded to Maharashtra Real Estate Appellate Tribunal for a fresh hearing in accordance with law by a duly constituted bench.

3. The appeal may be disposed of expeditiously and preferably within a period of eight weeks from this order being pointed out to the Appellate Tribunal.

4. The parties to appear before Appellate Tribunal on 04th December 2019 when the matter is scheduled to come up before the Appellate Tribunal. Either party may produce an authenticated copy of this order before the Appellate Tribunal on that day.

5. In view of the disposal of the Second Appeal, the Civil Application does not survive and the same is disposed of .

(S.C. GUPTE, J.)