

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****SECOND APPEAL NO. 36 OF 2020****WITH****CIVIL APPLICATION NO. 753 OF 2019**

CCI Projects Pvt. Ltd

..Appellant

V/s.

Mrs. Jyoti K. Narang & Anr.

..Respondents

Mr. S.U. Kamdar, Senior Advocate a/w Mr. Chirag Kamdar and Ms. Garima Agrawal i/b Wadia Ghandy & Co., Advocate for the Appellant.

Mr. Jai Chhabria a/w Ms. Aradhana Bhansali and Aarti Juniani i/b Mr. Sanjay Chaturvedi, Advocate for the Respondents.

CORAM: NITIN W. SAMBRE, J.**DATE : FEBRUARY 10, 2020****PC:-**

. Heard respective counsel for sometime.

2. The RERA Appellate Authority in exercise of powers under Section 43 of the Act decided an appeal vide impugned judgment/order dated March 20, 2019. As such, this second appeal under Section 58 of the Real Estate (Regulation and Development) Act, 2016 (RERA).

3. The question of law which arises for consideration is whether a judicial member of Maharashtra Real Estate Appellate Authority, sitting

singly, forms lawful coram competent in law to decide the appeal particularly in the backdrop of view expressed by this Court in view of Larsen & Toubro Vs. Rekha Sinha decided on 17th October, 2019.

4. After having heard respective counsel for sometime, the parties are in agreement that in view of the law laid down in the matter of Larsen & Toubro referred supra, the judgment of the appellate authority which is impugned herein can be quashed and set aside and the appellate tribunal can be directed to decide the appeal afresh expeditiously.

5. In the wake of above, by consent, the impugned judgment passed in Appeal No.10841 of 2019 decided on 20th March, 2019 is hereby quashed and set aside.

6. The parties to the present appeal agree that they shall appear before the appellate authority on 2nd March, 2020. In view of aforesaid agreement, fresh notices to the parties before the appellate authority are dispensed with.

7. Within one week thereafter the parties shall complete their respective pleadings. We expect that the appellate authority to decide the appeal in any case by 15th April, 2020. The appeal as such stands partly allowed.

(NITIN W. SAMBRE, J.)