

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 163 OF 2020

M/s. Aditya Enterprises	..Appellant
Vs.	
Mohan Gavankar	...Respondent

Ms. Garima Agrawal i/b. Wadia Ghandy & Co., for the Appellant.
Ms. Shristi Shetty, for the Respondent.

CORAM : C.V. BHADANG, J.
DATE : 12th FEBRUARY 2021

PC.

. This appeal can be disposed of on a short count as the substantial question of law, which arises in the appeal is covered by the decisions of this Court.

2. The only question is whether the sole Member of the Maharashtra Real Estate Appellate Tribunal ('the Tribunal', for short) has jurisdiction to decide the appeal ?

3. This Court in the case of **Man Global Limited Vs. Bharat Prakash Joukani 2019(6) ALL MR 305** has inter alia held that as per the Constitution of the Tribunal under Section 43(3) of the Real Estate (Regulation and Development) Act, 2016, the Appellate Tribunal shall consists of at least one judicial member and one administrative or technical member. The said decision has been

followed in the case of **Larsen and Toubro Limited Vs. Ms. Rekha Sinha in Second Appeal (ST) No. 14061/2019** decided on 17/10/2019 and **CCI Projects Pvt. Ltd. Vs. Mrs. Jyoti K. Narang & Anr. in Second Appeal No. 36 of 2020** decided on 10/2/2020.

4. In the present case, the record discloses that the Judicial Member sitting singly has passed the impugned judgment on 12/2/2019. In the circumstances, it is not necessary to dilate any further. In that view of the matter, the substantial question of law is answered in the negative and the following order is passed.

ORDER

1. The appeal is partly allowed.
2. The impugned judgment and order dated 12/2/2019 is hereby set aside.
3. The Appeal No.AT006000000010453 is restored back to the file of the Tribunal for disposal, according to law.
4. The parties to remain present before the Tribunal on 8/3/2021.
5. In such circumstances, there shall be no order as to costs.

C.V. BHADANG, J.