

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.13733 OF 2022

Mangala Naresh Sinha

...Petitioner

Versus

Wheelabrator Alloys and Castings
Pvt. Ltd. and Anr.

...Respondents

...

Mr. Gaurav Sinha for the Petitioner.

Mr. Abir Patel with Advocate Protusha i/b. M/s. Wadia Ghandy and Co.
for Respondent No.1.

Ms V.S. Nimbalkar, AGP for Respondent No.3.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 20th DECEMBER, 2022.

P. C. :-

1. Rule. Rule is made returnable forthwith and with consent matter is heard finally.

2. The Petitioner herein has challenged order dated 17/10/2022 in Complaint No.CC006000000195429. By order dated 25/08/2022, Member-1, MahaRERA had directed the Respondent to file reply on 02/09/2022 and rejoinder and sur-rejoinder on 09/09/2022. It is stated that the reply was filed on 19/09/2022. Learned counsel for the Petitioner states that the reply was filed beyond the time prescribed in order dated 25/08/2022 and that the Petitioner

had no opportunity to file rejoinder.

3. Learned counsel for the Respondent states that the Petitioner can be given an opportunity to file his rejoinder.

4. In view of the said statement, impugned order in Complaint No.CC006000000195429 is quashed and set aside. An opportunity is given to the Petitioner to file rejoinder within one week. Sur rejoinder, if any, to be filed within one week thereafter. The complaint to be decided afresh after considering the rejoinder as well as the sur-rejoinder.

5. Petition stands disposed of in above terms keeping open all the points and contentions of the respective parties.

(SMT. ANUJA PRABHUDESSAI, J.)