

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2633 OF 2023**

Forbes And Company Ltd & Anr ...Petitioners
Versus
Maharashtra Real Estate Regulatory Authority & ...Respondents
Ors

Mr Nimay Dave, *with Sonam Mhatre & Krutika Mehta, i/b Dhaval
Vussonji & Associates, for the Petitioners.*
Ms Shaista Pathan, *i/b Y&A Legal, for Respondent No.2.*

**CORAM G.S. Patel &
 Neela Gokhale, JJ.**
DATED: 14th March 2023

PC:-

ARUN
RAMCHNDRA
SANKPAL

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1. In fairness, Ms Pathan for the 2nd Respondent, accepts that the complaint as originally filed before the Maharashtra Real Estate Regulatory Authority & Ors (“**RERA**”) was incomplete. As our order of 1st March 2023 notes, the entire filing was completely out of sequence. First there was an incomplete application. Then there was an amendment sought to it which was allowed without arguments without the Petitioners’ opposition being consider. Although the original complaint was still incomplete, the matter was taken up for final disposal and reserved for orders. After this, the complainant refiled the complaint complete with all annexures and affirmation but in a pre-amendment state, and thus there was

confusion worse confounded. The result on the RERA record was that the only complete complaint was the one *without* the amendment.

2. Mr Dave is correct in saying that this is a less than optimal way of proceeding, although he puts it slightly more strongly than that.

3. We agree that these proceedings must be somewhat more organised. To save everybody's time, we proceed to organize it.

4. For good order, by Monday, 20th March 2023, the 2nd Respondent will refile the complaint with the amendment. We are not disturbing the RERA order allowing the amendment. We keep all contentions expressly open on the merits of the complaint as amended. A comprehensive reply to the amended complaint is to be filed before the RERA by 6th April 2023.

5. We request the RERA to pass appropriate orders if necessary for a rejoinder and then take up the entire matter as correctly sequenced now for a final disposal on merits with reasons.

6. The Petition is disposed of in these terms with no order as to costs.

(Neela Gokhale, J)

(G. S. Patel, J)