

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.266 OF 2025
WITH
INTERIM APPLICATION NO.6614 OF 2025

Rite Developers & Anr. ...Appellants
Versus
Mukesh Rane & Anr. ...Respondents

Mr. Aseem Naphade and Mr. Vijraj Bansod i/b. Mr. Tushar Garodia,
for the Appellants.

CORAM: MADHAV J. JAMDAR, J.
DATED : 9th JULY 2025

PC:-

1. Heard Mr. Naphade, learned Counsel appearing for the Appellants. He states that the following substantial questions of law arises in this Second Appeal:

- (a) Whether the Hon'ble Maharashtra Real Estate Appellate Tribunal ought to have heard and considered the Miscellaneous Application on merits rather than dismissing the same on the ground of alleged delay?

(b) Whether the Hon'ble Maharashtra Real Estate Appellate Tribunal ought to have considered that in the facts and circumstances of the present matter, the Appellant could have never filed the Miscellaneous Application within 30 days from the order dated 16th January 2023 seeking restoration of the Appeal as prescribed under the Rules because the cause of action in the above matter arose only after the Hon'ble MAHA RERA had forwarded letters dated 5th April 2023 and 26th June 2023 seeking payment of the penalty amounts from the Appellants?

2. Mr. Naphade, learned Counsel submits that in fact the Appellants and the Respondents both have settled the dispute and the Appeal was filed as MahaRERA authority has sent letters dated 5th April 2023 and 26th June 2023 seeking that penalty amount be paid by the Appellants.

3. Apart from that Mr. Naphade, learned Counsel submits that the action has been taken *suo motu* by the MahaRERA without there being application of the Respondents.

4. As very narrow question is involved and as the parties have settled the dispute, only modification of the order dated 26th August 2019 passed in Complaint No. CC006000000056322 is required in terms of the settlement, issue notice to the Respondents for final disposal at the admission stage, returnable on **15th July 2025 at 03:00 p.m..**

5. Till next date, ad-interim relief in terms of prayer clause (a).

[MADHAV J. JAMDAR, J.]