

**BEFORE THE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL, MUMBAI**

**Misc. Application No. 247/20 (Setting aside Order)
In
Appeal No. AT006000000011116**

Mr. Bias Taj Kumar & Anr. ... Applicants
Vs.
M/s. Veena Realcon Pvt. Ltd. ... Non-applicant

Mr. Nilesh Gala Advocate for Applicants.

Mr. Omkar Kulkarni Advocate for Non-applicant.

**CORAM : INDIRA JAIN J., CHAIRPERSON &
S.S. SANDHU, MEMBER (A)**

DATE : 1st OCTOBER, 2020.

(THROUGH VIDEO CONFERENCING)

Heard.

2. Applicants, who are Respondents in this Appeal, have filed MA No. 247/2020 to set aside the order dated 6.5.2019 passed by single Member of this Tribunal thereby allowing entertainment of the Appeal on payment of Rs. 15000/- in compliance of proviso to Section 43(5) of the RERA, 2016.

3. Learned Counsel for Applicants submitted that the aforesaid order passed by sitting single Member of this Tribunal needs to be set aside in view of the order dated 17.10.2019



passed by the Hon'ble Bombay High Court in the Second Appeal No. (St.) 14061 of 2019. Learned Counsel for Non-applicant (Appellant in this Appeal) submitted that the order sought to be set aside has not been challenged by filing appropriate proceedings by Applicants and therefore it has attained finality. He also contended that an order passed by a co-ordinate Bench of this Tribunal cannot be set aside by this Bench. He further alleged that Applicants have filed this application with *mala-fide* intention for causing delay in the matter.

4. We considered submissions of the parties. We find that Applicants have not been able to show any provisions of RERA or otherwise to substantiate that this Bench has appellate jurisdiction to set aside the order as prayed for in their Application on the basis of order dated 17.10.2019 passed by the Hon'ble Bombay High Court in another matter unrelated to the matter under consideration in the captioned Appeal.

5. In the above circumstances, the MA having no legal basis and substance, deserves to be outrightly rejected. Accordingly, the same stands rejected.

6. No costs.


(S. S. SANDHU)

Bmb/-


(INDIRA JAIN, J.)