

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

**Appeal No. AT006000000010923**

Lucina Land Development Limited  
1<sup>st</sup> Floor, Tower-I, Indiabulls Finance Centre,  
Elphinstone Mills Compound,  
612/613, Senapati Bapat Marg,  
Elphinstone Road (W),  
Mumbai 400 013.

..Appellant

Versus

1. Indira Chauhan,  
H N 100/101, Sahyognagar,  
Near Regional Workshop,  
Nanded-431 605
2. Faizan Khatri,  
Flat No. 1103, A Wing,  
Arihant Anaya,  
Sector 35G, Owe,  
Kharghar,  
Navi Mumbai 410 210
3. Manoj Nair,  
Flat No. A-1201. Sea Queen Heritage,  
Plot No.6, Palm Beach Road,  
Sector – 18, Sanpada,  
Navi Mumbai 400 705



4. Sanjeev Shukla  
C-301, Kukreja Estate,  
Sector 11, CBD Belapur (E),  
Navi Mumbai 400 614
5. Suvra Bhattacharjee,  
OMQ 19J/1, Officers Enclave,  
Air Force Station, Kalaikunda,  
West Midnapur,  
West Bengal – 721 303
6. Thomas Johny,  
4/3, Aaaisi Nagar,  
P.L. Lokhande Marg,  
Chembur, Mumbai 400 081.
7. Anant Patil  
18/A, Saj Villa, Siddharth Society,  
8<sup>th</sup> Amravati Road,  
Nagpur – 440 023.
8. Dinesh Kumar Nahar  
A-18, Railway Officers Flats,  
Nirmal Park,  
Near Voltas House,  
Byculla, Mumbai 400 027.
9. Anurag Tiwari  
40, Shalimar Garden, Ismailganj,  
Sector 8, Indira Nagar,  
Chinhut, Lucknow UP 227 105



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Mr. Manish Gala, Advocate for Appellant.  
Mr. Sanjay Chaturvedi, Advocate for Respondents.

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

**COMMON JUDGMENT (PER : INDIRA JAIN, J)**

Heard Learned Counsel for parties for sometime.

2. Learned Counsel for Appellant submits that separate applications raising issue of maintainability were filed in the complaints but a common order has been passed without considering the alleged brochures placed in the complaints.
3. In this regard, Learned Counsel for parties upon instructions and by consent submit that order dated 24<sup>th</sup> October, 2018 passed by the Learned Member and Adjudicating Officer, MahaRERA on maintainability be set aside, keeping all the contentions open for consideration on merits.
4. Hence –
  - [i] Impugned order dated 24<sup>th</sup> October, 2018 stands set aside;
  - [ii] Parties are relegated to the Authority;
  - [iii] Authority to decide the issue of maintainability of complaints under Section 12 of the RERA afresh on merits;
  - [iv] All contentions of the parties are kept open.

  
(S.S. SANDHU)

  
(SUMANT KOLHE)

  
(INDIRA JAIN J)