

Ashwin Shah

Issue Whether jurisdiction of Maharera is ousted on account of arbitration clause and challenge by the developer that matter is arbitrable and maharera does not have jurisdiction to deal with the subject matter? Hon'ble High Court, Mumbai vide its order dated 25th October 2024 in the matter of Rashmi Realty Builders Pvt Ltd vs. Rahul Pagariya & Others in Civil 2nd Appeal 434/2023 with Interim application 16005/2023 u/s 58 of RERDA 2016 had occasion to consider the issue. Facts of the Case :- The 2nd Appeal is filed by the Promoter being aggrieved by the Appellate Tribunal, Maharera (Tribunal) order dated 31st March 2023 in Appeal No. AT00600000052320 in complaint no. CC06000000161230 wherein Tribunal held that jurisdiction of maharera is not ousted merely because there are clauses in memorandum of understanding for referring the matter to arbitration. ....