

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

**(Sr. No.11)  
MISC. APPLICATION NO. 859 OF 2022 (stay)  
MISC. APPLICATION NO. 183 OF 2023  
(Exem. u/s 43(5))  
IN  
APPEAL NO.AT006000000133991 OF 2022**

MIG (Bandra) Realtors & Builders P.Ltd.  
-VS-

.. Appellant

Mr. Murkala Radha Krishna Rao & Ors.

.. Respondents

**(Sr. No.12)  
MISC. APPLICATION NO. 860 OF 2022 (stay)  
MISC. APPLICATION NO. 861 OF 2022 (Waiver)  
MISC. APPLICATION NO. 367 OF 2023  
(for withdrawal of M.A. 861/2022 & waiver of amt.)  
IN  
APPEAL NO.AT006000000133992 OF 2022**

Radius Estates & Developers Pvt. Ltd.  
-VS-

.. Appellant

Murkala Krishnarao & Ors.

.. Respondents

**(Sr.No.13)  
MISC. APPLICATION NO. 862 OF 2022 (stay)  
MISC. APPLICATION NO. 863 OF 2022 (Waiver)  
MISC. APPLICATION NO. 371 OF 2023  
(for withdrawal of M.A. 863/2022 & waiver of amt.)  
IN  
APPEAL NO.AT006000000133993 OF 2022**

Radius Estates & Developers Pvt. Ltd.

.. Appellant

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-VS-

Bina Khayaliram Joshi & Ors.

.. Respondents

**(Sr. No.14)**  
**MISC. APPLICATION NO. 864 OF 2022 (stay)**  
**MISC. APPLICATION NO. 502 OF 2023**  
**(stay of order dt.06/06/2023)**  
**MISC. APPLICATION NO. 503 OF 2023**  
**(prod. of docu.)**  
**IN**  
**APPEAL NO.AT006000000133994 OF 2022**

Radius Estates & Developers Pvt. Ltd.

.. Appellant

-VS-

Nirav Vikram Maniar & Anr.

.. Respondents

**(Sr. No.15)**  
**MISC. APPLICATION NO. 866 OF 2022 (stay)**  
**MISC. APPLICATION NO. 867 OF 2022 (Waiver)**  
**MISC. APPLICATION NO. 368 OF 2023**  
**(for withdrawal of M.A. 867/2022 & waiver of amt.)**  
**IN**  
**APPEAL NO.AT006000000133995 OF 2022**

Radius Estates & Developers Pvt. Ltd.

.. Appellant

-VS-

Rajaram P. Wagh & Ors.

.. Respondents

**(Sr. No.16)**  
**MISC. APPLICATION NO. 868 OF 2022 (stay)**  
**MISC. APPLICATION NO. 869 OF 2022 (Waiver)**  
**MISC. APPLICATION NO. 369 OF 2023**  
**(for withdrawal of M.A. 869/2022 & waiver of amt.)**  
**IN**  
**APPEAL NO.AT006000000133996 OF 2022**

*Sgt*

Radius Estates & Developers Pvt. Ltd.

.. Appellant

-VS-

Mr. Ramanjeet Singh Arora & Ors.

.. Respondents

**(Sr. No.17)**  
**MISC. APPLICATION NO. 870 OF 2022 (stay)**  
**MISC. APPLICATION NO. 871 OF 2022 (Waiver)**  
**MISC. APPLICATION NO. 370 OF 2023**  
**(for withdrawal of M.A. 871/2022 & waiver of amt.)**  
**IN**  
**APPEAL NO.AT006000000133997 OF 2022**

Radius Estates & Developers Pvt. Ltd.

.. Appellant

-VS-

Mrs. Suman Manglunia & Ors.

.. Respondents

**(Sr. No.18)**  
**MISC. APPLICATION NO. 872 OF 2022 (stay)**  
**MISC. APPLICATION NO. 184 OF 2023**  
**(Exem. u/s 43(5))**  
**IN**  
**APPEAL NO.AT006000000133998 OF 2022**

MIG (Bandra) Realtors & Builders P.Ltd.

.. Appellant

-VS-

Mr. Akshay S. Pasarkar & Ors.

.. Respondents

**(Sr. No.19)**  
**MISC. APPLICATION NO. 873 OF 2022 (stay)**  
**MISC. APPLICATION NO. 185 OF 2023**  
**(Exem. u/s 43(5))**  
**IN**  
**APPEAL NO.AT006000000134000 OF 2022**

MIG (Bandra) Realtors & Builders P.Ltd.

.. Appellant

-VS-

Mr. Chirag Oza & Anr.

.. Respondents

**(Sr. No.20)**  
**MISC. APPLICATION NO. 874 OF 2022 (stay)**  
**MISC. APPLICATION NO. 186 OF 2023**  
**(Exem. u/s 43(5))**  
**IN**  
**APPEAL NO.AT006000000134001 OF 2022**

MIG (Bandra) Realtors & Builders P.Ltd.

.. Appellant

-VS-

Mr. Rajaram P. Wagh & Ors.

.. Respondents

**(Sr. No.21)**  
**MISC. APPLICATION NO. 875 OF 2022 (stay)**  
**MISC. APPLICATION NO. 187 OF 2023**  
**(Exem. u/s 43(5))**  
**IN**  
**APPEAL NO.AT006000000134002 OF 2022**

MIG (Bandra) Realtors & Builders P.Ltd.

.. Appellant

-VS-

Mrs. Suman Manglunia & Ors.

.. Respondents

**(Sr. No.22)**  
**MISC. APPLICATION NO. 876 OF 2022 (stay)**  
**MISC. APPLICATION NO. 501 OF 2023**  
**(Prod of Dcts.)**  
**MISC. APPLICATION NO. 500 OF 2023**  
**(stay of order dt.06/06/2023)**  
**IN**  
**APPEAL NO.AT006000000134003 OF 2022**

MIG (Bandra) Realtors & Builders P.Ltd.

.. Appellant

-VS-

*Syntex*



Mr. Nirav Vikram Maniar & Anr.

.. Respondents

**(Sr. No.23)**  
**MISC. APPLICATION NO. 877 OF 2022 (stay)**  
**MISC. APPLICATION NO. 188 OF 2023**  
**(Exem. u/s 43(5))**  
**IN**  
**APPEAL NO.AT006000000134004 OF 2022**

MIG (Bandra) Realtors & Builders P.Ltd.

.. Appellant

-VS-

Mr. Ramanjeet Singh Arora & Ors.

.. Respondents

**(Sr. No.24)**  
**MISC. APPLICATION NO. 878 OF 2022 (stay)**  
**MISC. APPLICATION NO. 189 OF 2023**  
**(Exem. u/s 43(5))**  
**IN**  
**APPEAL NO.AT006000000134005 OF 2022**

MIG (Bandra) Realtors & Builders P.Ltd.

.. Appellant

-VS-

Mrs. Bina Khayaliram Joshi & Ors.

.. Respondents

**(Sr. No.25)**  
**MISC. APPLICATION NO. 1067 OF 2022 (Delay)**  
**IN**  
**APPEAL NO.AT006000000134129 OF 2022**

Murkala Krishnarao & Anr

.. Applicants.

-VS-

Radius Estates & Developers Pvt. Ltd.

.. Non-Applicant

**(Sr. No.26)**  
**MISC. APPLICATION NO. 1066 OF 2022 (Delay)**

**IN**  
**APPEAL NO.AT006000000134130 OF 2022**

Mr. Ramanjeet Singh Arora & Anr. .. Applicants.  
 -VS-

Radius Estates & Developers Pvt. Ltd. .. Non-Applicant

**(Sr. No.27)**  
**MISC. APPLICATION NO. 1050 OF 2022 (Delay)**  
**IN**  
**APPEAL NO.AT006000000134135 OF 2022**

Mr. Akshay S. Pasarkar & Anr. .. Applicants.  
 -VS-

MIG (Bandra) Realtors & Builders P. Ltd. & Anr. .. Non-Applicants

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*Adv. Mr. Sushant Chavan for Appellants /MIG (Bandra) Realtors.*  
*Adv. Mr. Abir Patel for Promoter/Radius Estates & Develp.*  
*Adv. Mr. Rakesh Misar for Respondent Nos.1 and 2 in Sr. Nos.11,12,16,18,23 and for Appellants in Sr, Nos. 25,26,27.*  
*Adv. Aditya Bhatt for Respondent No.1 in Sr. Nos.14 & 22.*  
*Adv. Mr. Pankaj Pandey for Respondent Nos.1 and 2 in Sr. Nos.13 and 24.*  
*Adv. Mr. Satish Dedhia for Respondent nos.1 and 2 in 17 and 21.*

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**CORAM : SHRIRAM R. JAGTAP, MEMBER (J) &  
 DR. K. SHIVAJI, MEMBER (A)**

**DATE : 11<sup>th</sup> August, 2023.**

**(THROUGH VIDEO CONFERENCING)**

Adv. Mr. Abir Patel submits in Serial Nos. 12,13,15,16 and 17 Radius Estates i.e. appellant has filed application for waiver and he has received copies of reply in those appeals except in Serial No.17. He further

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submits that in Serial Nos.25, 26 and 27 the promoter has filed reply to delay condonation application and no rejoinder is received. Adv. Mr. Rakesh Misar submits that in those appeals he has received copies of reply and he does not want to file rejoinder.

2] Adv. Mr. Abir Patel submits that in Appeal No.AT0060000000133994 (Serial No.14) the promoter has moved an application bearing No.502 of 2023 for stay to the execution of the impugned order and served copy of the same to other side. Adv. Mr. Aditya Bhatt confirms the same and submits that reply is ready and he will file the same in the course of the day. Adv. Mr. Patel further submits that the appellant/promoter will not sell the subject flat and will not create third party interest in the subject flat and therefore impugned order be stayed till hearing of Misc. Application No.502 of 2023. Adv. Mr. Sushant Chavan for MIG(Bandra) Realtors in Appeal No.AT0060000000134003 has also moved an application bearing No.500 of 2023 for stay to the execution of the impugned order and served copy of the same to other side. Adv. Mr. Aditya Bhatt confirms the same. Adv. Mr. Sushant Chavan also submits that appellant/promoter will not sell the subject flat and will not create third party interest in the subject flat and therefore impugned order be stayed till hearing of Misc. Application No.500 of 2023. Adv. Mr. Aditya Bhatt submits that the allottees will also not press their Execution Applications, but appeals be expedited.

3] Considering the submissions advanced by the learned Advocates for rival parties, we are of the view that if impugned orders are stayed, no prejudice will be caused to either of the parties and appeals can be expedited. Parties are directed to cooperate the Tribunal in

*S. J. S. J.*

expeditious disposal of the appeals.

4] Adv. Mr. Abir Patel submits that the promoter has filed written submissions in Appeal No.AT0060000000133994 and served copy of the same to other side. Adv. Mr. Sushant Chavan submits that he has also filed written submissions and served copy of the same to other side. Adv. Mr. Aditya Bhatt submits that they have not received copy of written submissions filed by Adv. Mr. Sushant Chavan. Adv. Mr. Sushant Chavan undertakes to re-serve copy of written submissions to allottees.

5] Adv. Mr. Satish Dedhia submits that he has not received copy of waiver application of the promoter. Adv. Mr. Abir Patel undertakes to serve copy of the same to allottees well before the next date.

6] Stand over to 11<sup>th</sup> September 2023 for hearing on waiver application and delay condonation applications.

  
(DR. K. SHIVAJI)

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(SHRIRAM R. JAGTAP)