

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**MISC. APPLICATION NO. 910 OF 2022 (Delay)
IN
MISC. APPLICATION NO. 911 OF 2022 (Stay)
IN
APPEAL NO. AT006000000134069**

Glider Buildcon Realtors Pvt. Ltd.

... Applicant

-VS-

Dr. Aftab S. Shaikh & Ors.

... Non-applicants

Ms. Saloni Sulakhe, Advocate for Applicant.

Mr. Mithin V. Sampat for Non-applicant Nos.1 and 2.

None for Non-applicant No.3.

CORAM : SHRI SHRIRAM R. JAGTAP, MEMBER (J) &

DR. K. SHIVAJI, MEMBER (A)

DATE : 08th AUGUST, 2023

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

2] Order in Misc. Application No.910 of 2022 was pronounced today as hereunder;-

ORDER

- (a) Delay in filing the above appeal is condoned subject to costs of Rs.5000/- (Rs. Five thousand only) to be paid directly to Complainants within 15 days from the date of uploading of the order.
- (b) Payment of costs is condition precedent.



- (c) Captioned Misc. Application No. 910 of 2022, is allowed and disposed of on the above terms.
- (d) In view of the provisions of Section 44(4) of the Act, a copy of the order be sent to parties and MahaRERA.

APPEAL NO. AT006000000134069

Learned counsel for Appellant seeks two weeks' time to comply with the order in Misc. Application No.910/2022 for payment of Rs. 5000/- (Rs. Five thousand only) to Complainants.

2] Appellant being Promoter, compliance of the Proviso to Section 43(5) of the Act of 2016 is statutorily mandatory and the same is pre-requisite before the appeal is entertained.

3] Heard learned counsel for parties.


4] Perused.

5] Appellant to deposit the entire amount as per the impugned order dated 04th July, 2022 towards the compliance of the Proviso to Section 43(5) of the Act of 2016.

6] Learned counsel for Appellant seeks three weeks' time for compliance of the order in Misc. Application No.910/2022 and also the Proviso to Section 43(5).

7] Stand over to 07th September, 2023 for compliance of the order in Misc. Application No.910/2022 and Proviso to Section 43(5).


(DR. K. SHIVAJI)


(SHRIRAM R. JAGTAP, J.)