

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

**MISC. APPLICATION OF 278 OF 2023 (stay)  
IN**

**(22) APPEAL NO. AT006000000134162 OF 2022**

Balaji Construction Company .. Appellant  
-VS-  
Jayantilal Makwana .. Respondent

**WITH  
MISC. APPLICATION OF 276 OF 2023 (stay)  
IN**

**(23) APPEAL NO. AT006000000134167 OF 2022**

Balaji Construction Company .. Appellant  
-VS-  
Prashant S. Mahajan .. Respondent

**WITH  
MISC. APPLICATION OF 277 OF 2023 (stay)  
IN**

**(24) APPEAL NO. AT006000000134185 OF 2022**

Balaji Construction Company .. Appellant  
-VS-  
Hetel B. Shah & Anr. .. Respondents

**WITH  
(25) APPEAL NO. AT006000000134176 OF 2023**

Hetal B. Shah & Anr. .. Appellants  
-VS-  
Balaji Construction Company & Ors. .. Respondents

**WITH  
MISC. APPLICATION OF 273 OF 2023 (stay)  
IN**

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**(26) APPEAL NO. AT006000000134186 OF 2022**

Balaji Construction Company

.. Appellant

-VS-

Shashikumar Mishra &amp; Anr.

.. Respondents

**WITH****MISC. APPLICATION OF 280 OF 2023 (stay)****IN****(27) APPEAL NO. AT006000000134187 OF 2022**

Balaji Construction Company

.. Appellant

-VS-

Achala Abhijit Patil

.. Respondent

**WITH****(28) APPEAL NO. AT006000000134178 OF 2023**

Mrs. Achala Abhijit Patil

.. Appellant

-VS-

Balaji Construction Company &amp; Ors.

.. Respondents

**WITH****MISC. APPLICATION OF 275 OF 2023 (stay)****IN****(29) APPEAL NO. AT006000000134188 OF 2022**

Balaji Construction Company

.. Appellant

-VS-

Chintan Mahesh Shah &amp; Anr.

.. Respondents

**WITH****(30) APPEAL NO. AT006000000134175 OF 2023**

Chintan M. Shah &amp; Anr.

.. Appellants

-VS-

Balaji Construction Co. &amp; Ors.

.. Respondents



**WITH**  
**MISC. APPLICATION OF 274 OF 2023 (stay)**  
**IN**  
**(31) APPEAL NO. AT006000000134189 OF 2022**

Balaji Construction Company .. Appellant  
-VS-  
Anjusha Ajit Kadam & Anr .. Respondents

**WITH**  
**(32) APPEAL NO. AT006000000134177 OF 2023**

Mrs. Anjusha Ajit Kadam & Anr .. Appellants  
-VS-  
Balaji Construction Co. & Ors. .. Respondents

**WITH**  
**MISC. APPLICATION OF 279 OF 2023 (stay)**  
**IN**  
**(33) APPEAL NO. AT006000000134199 OF 2022**

Balaji Construction Company .. Appellant  
-VS-  
Vikram B. Shah & Anr. .. Respondents

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*Adv. Mr. Gauraj Shah a/w Adv. Ms. Shweta Singh for Appellant in Sr. Nos. 22 to 24, 26, 27, 29, 31, 33.*  
*Adv. Mr. Harshad Bhadbhade for Appellants in Sr. Nos.25, 28, 30 and 32 and for Respondents in Sr. Nos.24, 26, 27, 29, 31 & 33.*  
*Mr. Prashant Mahajan/Respondent in Sr. No.23 present in person.*  
*Adv. Ms. Neha Shah for Respondent in Sr. No.22.*  
*Adv. Ms. Shweta Singh for Respondent Nos.24 to 27.*

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*Sg. 24*

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

**DATE : 25<sup>th</sup> August, 2023.**

**(THROUGH VIDEO CONFERENCING)**

Adv. Mr. Harshad Bhadbhade submits that so far as Appeal Nos.AT006000000134175, AT006000000134176, AT006000000134177 and AT006000000134178 are concerned, pleadings are complete. Parties to these appeals are directed to file written submissions and exchange copies of the same to each other well before the next date.

2] Adv. Mr. Gauraj Shah submits that the appellant has filed affidavit with regard to computation of interest and served copy of the same to other side. Adv. Ms. Neha Shah, Mr. Prashant Mahajan and Adv. Mr. Harshad Bhadbhade for allottees submit that they have received copies of the affidavit of appellant.

3] The respondents are directed to file reply to the affidavit filed by appellant for quantification of interest.

4] So far as Appeal Nos. Nos.AT006000000134175, AT006000000134176, AT006000000134177 and AT006000000134178 are concerned, they are filed by allottees and therefore, they are separated from rest of the appeals. These appeals are adjourned to 13<sup>th</sup> October 2023 for filing written submissions by parties.

5] Adv. Mr. Gauraj Shah submits that in Appeal No.AT006000000134167, Mr. Prashant Mahajan/allottee has filed application for execution of impugned order and also sought relief of interest. He further submits that since matter is subjudice before this



Tribunal on the point of quantification of interest, therefore, impugned order be stayed till disposal of the appeal. Mr. Prashant Mahajan has not disputed this fact. Considering peculiar circumstances of the case, application filed by Mr. Prashant Mahajan/allottee for execution of impugned order is stayed until further order.

6] So far as rest of the appeals are concerned, the respondents are directed to file their reply to affidavit filed by appellant and serve copies of the same to appellant well before the next date.

7] Rest of the appeals stand over to 27<sup>th</sup> September 2023 for filing reply to affidavit filed by appellant and for hearing on the point of quantification of interest payable by the appellant to allottees.

  
(Dr. K. SHIVAJI)

Dond

  
(SHRIRAM R. JAGTAP)