

**BEFORE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL MUMBAI**

38] M. A. No. 193/24 (Interim Relief)

In

APPEAL NO. AT006000000144421/2023

Mrs. Shweta V. Sharma

... Appellant

V/s.

M/s. Dilip Estate & Town Planners Pvt. Ltd.

... Respondent

ALONGWITH

39] M. A. No. 192/24 (Interim Relief)

In

APPEAL NO. AT006000000144434/2023

Barkha Sharma

... Appellant

V/s.

M/s. Dilip Estate & Town Planners Pvt. Ltd.

... Respondent

Adv. Mr. Anosh Sequeira for Appellant

Adv. Mr. Robin Fernandes a/w Adv. Mr. Sukrit Parashar for Respondent

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

DATE : 15th March, 2024

(THROUGH VIDEO CONFERENCE)

Advocate Mr. Anosh Sequeira submits that the Appellants have filed rejoinder and served the copies of the same to the other side.

2] Advocate Mr. Sukrit Parashar confirms the same.

3] Advocate Mr. Anosh Sequeira further submits that the Appellants have filed Misc. Applications for not to create third party interest in the subject flats and served the copies of the same to other side.

4] Advocate Mr. Sukrit Parashar confirms the same.

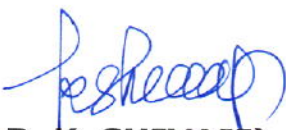
5] Now, Advocate Mr. Robin Fernandes for Respondent has appeared. Learned Advocate Mr. Robin Fernandes submits that the

Respondent has already created third party interest in the subject flats. The Respondent has allotted subject flats to the third party and received part-consideration from the third party. However, the Respondent has not executed the agreement for sale in favour of the third party.

6] Advocate Mr. Anosh Sequeira also submits that the Appellants took search and they found that the Respondent has not executed the agreement for sale in favour of the third party.

7] It is not in dispute that the Appellants have filed Applications for execution of the impugned Order before the learned Authority and the same is pending for consideration. The Appellants have reasonable apprehension that the Respondent will create third party interest in the subject flats by executing the agreement for sale. Considering the peculiar circumstance of the case, we are of the view that if the Respondent is directed to maintain status quo till the next date the very purpose will suffice. Accordingly, the Respondent is directed not to execute the agreement for sale in favour of third party, not to handover the possession of the subject flats to third party and not to accept further payments from the third party towards consideration till the next date.

8] Stand over to 22nd June, 2024 for filing reply to Misc. Applications filed by Allottees.


(DR. K. SHIVAJI)

MBT/38-39


(SHRIRAM. R. JAGTAP)