

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**APPEAL NO. AT006000000154586 OF 2023**

Mr. Kiran Gidh ... Appellant

-VS-

Mr. Dilip Madhukar Dalvi ... Respondent

**APPEAL NO. AT006000000164630 OF 2023**

Mr. Arun Pandharinath Gidh ... Appellant

-VS-

Mr. Dilip Madhukar Dalvi ... Respondent

*Ms. Magdhi, Advocate for Appellants.  
None for Respondent.*

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

**DATE : 04<sup>th</sup> MARCH, 2024**

*(THROUGH VIDEO CONFERENCE)*

None for Respondent.

2] Ms. Magdhi, learned counsel for Appellants joined the conference and submits that Respondent in both matters have been served and intimated in writing about today's hearing and has also filed affidavit of served including postal receipts and tracking report.

3] Perused.

4] Respondent is duly served and intimated about today's hearing date.

5] Absent.



- 6] Issue notice to Respondent for appearance on next date, returnable before the next date.
- 7] Ms. Magdhi submits that these two appeals have been filed by Allottees against respondent promoter who had filed complaints before MahaRERA, wherein MahaRERA vide its order dated 23<sup>rd</sup> June 2023 has allowed the complaints and directed allottees appellants herein *inter alia* to make necessary payments to developer complainant towards the booking of the said flats along with accrued interest.
- 8] Ms. Magdhi upon instructions submits that the execution proceeding based on the impugned order dated 23<sup>rd</sup> June 2023 have been initiated. Accordingly, pressed that the impugned order be stayed to prevent the captioned appeals becoming infructuous.
- 9] Perused operative part of the order in para 14 of the impugned order giving directions to the appellant herein allottee to make necessary payments to developer promoter, otherwise promoter would be entitled to terminate the agreements for sale dated 22.09.2017 and 21.09.2017.
- 10] In the interest of justice and to avoid duplication of proceedings, we are of the considered view that there is no impediment if the interim stay/relief is granted to the appellant by staying the execution of the impugned order till the next date.
- 11] Accordingly, impugned order dated 23<sup>rd</sup> June 2023 is stayed till the next date.
- 12] Stand over to 22<sup>nd</sup> June 2024 for appearance of Respondent.

  
(DR. K. SHIVAJI)

  
(SHRIRAM. R. JAGTAP, J.)