

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**M.A. No. 719/23 (Delay)**

**With**

**M.A. No. 594/23 (Stay)**

**IN**

**APPEAL NO. AT00400000174647/23**

Deepak Vasandani & Anr.

... Applicants

-VS-

Vishwajit Vinchurkar & Anr.

... Non-applicants

*Mr. Vikramjit Garewal, Advocate for Applicants.*

*Mr. Ashish Fule, a/w Non-applicant no. 2 Advocate for Non-applicants.*

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

**DATE : 24<sup>th</sup> JANUARY, 2024**

**(THROUGH VIDEO CONFERENCE)**

Adv. Ashish Fule submits that he has instructions to appear on behalf of Non-applicants and seeks time to file vakalatnama and reply to Misc. Application No.719/23.

2. He further confirms that Misc. Application of delay has been received but the appeal sets has not been received.

3. Adv. Vikramjit Garewal submits that appeal sets were served a few days ago. However, he undertakes to re-serve the same again.

**IN M.A. No. 719/23:**

4. Adv. Vikramjit Garewal submits that this application has been filed with delay of five days beyond the prescribed permissible period and the

delay of five days happened because the signatory to the appeal was travelling.

5. The delay happened unintentionally, is not deliberate and on account of bona fide reasons. Accordingly, urged to condone the said delay of five (5) days.

6. Adv. Ashish Fule upon instructions submits that he has instructions to appear on behalf of Non-applicants and seeks time to file vakalatnama and reply to Misc. Application/appeal.

7. Adv. Ashish Fule along with Non-applicant no. 2 jointly submits that Non-applicant has no objection to condone the delay of five days in filing appeal by the Applicant. They further submit that Applicant be directed to deposit the entire amount as per the impugned order dated 30<sup>th</sup> June 2023 along with interest till the date of deposit.

8. Non-applicant has no objection to condone the delay.

9. In view of no objection, Misc. Application No. 719/23 is allowed.

10. Delay is condoned.

11. No order as to costs.

**IN APPEAL NO. AT00400000174647/23:**

13. Same appearance.

14. Adv. Vikramjit Garewal further submits that the Respondents have filed an execution application of the impugned order dated 30<sup>th</sup> June 2023 passed by MahaRERA before the Executing Authority/MahaRERA and the



order in execution is already reserved for order after hearing on 11<sup>th</sup> Dec. 2023. In view of urgency of the matter, the Appellant has filed the Misc. Application No. 594/23 for the stay to stay the effect, implementation and execution of the order dated 30<sup>th</sup> June 2023 by MahaRERA.

15. Heard learned counsel for Appellant.

16. Perused.

17. Application has been filed by the Promoter and therefore, the Appellant/Promoter needs to first comply with the statutory requirement of the proviso to section 43(5) of the 2016 Act.

18. Compliance of proviso being statutory and mandatory before the appeal is entertained, Appellants are directed to pre-deposit the entire amount as per the impugned order dated 30<sup>th</sup> June 2023 passed by MahaRERA along with interest till the date of the deposit in the Tribunal towards the compliance of the proviso.

19. Adv. Vikramjit Garewal upon instructions undertakes to pre-deposit the entire amount as per the impugned order within six weeks from today.

20. Stand over to 01<sup>st</sup> Apr. 2024 for compliance, vakalatnama and reply of appeal of the Non-applicant.

  
(DR. K. SHIVAJI)

  
(SHRIRAM. R. JAGTAP)

MS/-