

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**MISC. APPLICATION NO. 622 OF 2023 (Stay)
IN
APPEAL NO. AT006000000174704 OF 2023**

Sahyog Homes Ltd.

... Appellant

-VS-

Sulabha Shridhar Prabhudesai

... Respondent

Mr. Makarant Raut, Advocate for Appellant.

Mr. Sachin Shridhar Prabhudesai, Power of Attorney holder for Respondent.

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 01st APRIL, 2024

(THROUGH VIDEO CONFERENCE)

Mr. Makarand Raut, learned counsel for Appellant and Mr. Sachin Shridhar Prabhudesai, power of attorney holder for Respondent joined the conference.

2] Learned counsel for Appellant/promoter submits that pursuant to order dated 29.01.2024 of this tribunal, the Appellant despite being promoter, is not liable to deposit any amount on the ground that Appellant has challenged the order dated 18.08.2023, wherein there is no monetary direction against the Appellant. Moreover, the direction is merely for rejection of the application for execution proceeding.



3] Advocate Mr. Makarand Raut upon instructions further submits that MahaRERA's first order dated 23.04.2019 passed by learned Member, has not been challenged and the order of MahaRERA dated 18.08.2023 passed by learned Adjudicating Officer is only an execution order of 23.04.2019 wherein the parties were directed to register Agreement for Sale within 30 days.

4] Perused.

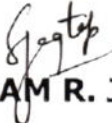
5] In view of the order under challenge, submissions of the learned counsel for Appellant promoter is allowed.

6] Request for the waiver of deposit towards the compliance of the Proviso to Section 43(5) is allowed.

7] Mr. Sachin Shridhar Prabhudesai, power of attorney holder for Respondent in-person seeks time to file reply within three weeks.

8] Stand over to 25th July 2024 for completion of pleadings.


(DR. K. SHIVAJI)


(SHRIRAM R. JAGTAP, J.)