

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**APPEAL NO. AT006000000204877 OF 2024**

Mr. Vijay A. Gurwada & Anr. ... *Appellants/applicants*

-VS-

Lokhandwala Kataria Constructions P. Ltd. ... *Respondent/Non-applicant*

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**APPEAL NO. AT006000000204878 OF 2024**

Mr. Vijay A. Gurwada & Anr. ... *Appellants/Applicants*

-VS-

Lokhandwala Kataria Constructions P. Ltd. ... *Respondent/non-applicant*

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*Mr. Minil Shah, Advocate for Appellants.*

*Mr. Tushar Goradia, Advocate for Respondent.*

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

**DR. K. SHIVAJI, MEMBER (A)**

**DATE : 29<sup>th</sup> APRIL, 2024**

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

2] Advocate Mr. Minil Shah appearing for Appellant/applicants upon instructions undertook to deposit in the Tribunal ₹ 48 lakhs in sr. no.1 and ₹ 1,80,77,320/- in sr. no. 2 payable to Respondent Developer for getting possessions of the subject flats without prejudice to the rights and contentions of the parties.

3] Learned counsel for parties jointly submit that project has already received part occupancy certificate on 06.01.2023.



4] Advocate Mr. Tushar Goradia appearing for Respondent Promoter upon instruction further submits that certain amounts are still payable and outstanding in addition to the amount which the appellants have been committing to pay.

5] Learned counsel for parties upon instruction of the respective clients submit that without prejudice to the rights and contentions of the parties, Respondent promoter is willing to handover the possession of the subject flat to the Appellants within seven (7) days from the date of confirmation of the above deposits to be made by the Appellant allottees before this Tribunal.

6] Advocate Mr. Minil Shah upon instructions further submits and undertakes to deposit the said amount within four (4) weeks from today.

7] Accordingly, Advocate Mr. Tushar Goradia upon instructions undertakes to handover the possessions of the subject flats within one week from the date of receipt of the confirmation of deposits in the tribunal.

8] Advocate Mr. Minil Shah to serve copy of the confirmations of the deposits of the said amounts to the Respondent accordingly.

9] Praecipe is accordingly disposed of on above terms.

10] Matter is already listed on 20.08.2024.

11] Stand over to 20<sup>th</sup> August 2024.

  
(DR. K. SHIVAJI)

  
(SHRIRAM R. JAGTAP, J.)