

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**MISC. APPLICATION NO. 711 OF 2023 [Arrest Warrant]  
WITH  
MISC. APPLICATION NO. 712 OF 2023 [withdrawal of amount]  
WITH  
MISC. APPLICATION NO. 713 OF 2023 [Interim Relief]  
ALONG WITH  
Ex. NO. 19 OF 2021  
IN  
APPEAL NO. AT006000000031769**

Miss. Smita B. Kaskar

... Applicant

-VS-

Nirmal Lifestyle Ltd.

... Non-applicant

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*None for Applicant.*

*Mr. Tushar Kadam, Advocate for Non-applicant.*

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

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

**DATE : 22<sup>nd</sup> DECEMBER, 2023**

**(THROUGH VIDEO CONFERENCE)**

Advocate Tushar kadam appearing for non-applicant submits that purshis has been filed, praying to recall the direction/ order dated 05<sup>th</sup> December, 2023 issued by this Tribunal for freezing of the bank accounts of Non-applicant.

2] Not on board. Taken on board.

3] Advocate Mr. Tushar Kadam further submits that he had discussion with Advocate Mr. Nitin Kaskar for applicant in the execution



application and he has conveyed the consent.

4] Advocate Mr. Tushar Kadam further submits and undertakes upon instructions that a demand draft dated 28<sup>th</sup> December 2023 has been prepared to be drawn in favor of applicant of execution application Ms. Smita Kaskar for an amount of Rs. 4,31,580/- towards monthly interest for the delay in delivery of possession of the subject flat as per the judgment decree for the month of September 2023 to December 2023.

5] Advocate Tushar Kadam upon instruction further undertakes to ensure the payment of interest for delay in delivery of possession, will be made in time to the applicant of the execution application as per the judgment decree and in accordance with the order/s of this tribunal and in case of the delay in payment of delay interest, he further undertakes upon instructions to pay the cost of Rs. 5000/- in addition for every month of delay in payment of the delay interest as per the judgment decree and will continue to ensure that the payment is done in time without any lapses.

6] Advocate Mr. Tushar Kadam upon instructions further undertakes to file undertaking to this effect in writing and serve the copy to the other side during the course of the day.

7] Considering the submissions and more particularly the undertaking given by the learned counsel upon instructions and showing its bonafide, we are of the considered view that there is no impediment



in allowing the prayer of Non-applicant subject to the compliance of the above undertaking to be filed today and upon compliance of above terms.

8] Accordingly, the prayer made in the purshis are allowed on above terms.

9] In view of above, the letter sent to bank for attaching the bank accounts of non-applicant stands recalled on compliance of the above terms by non-applicant and upon filing of aforesaid undertaking during the course of the day.

10] Registry to issue appropriate letter to the bank accordingly, subject to compliance of above conditions.

  
(DR. K. SHIVAJI)

  
(SHRIRAM. R. JAGTAP, J.)