

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

APPEAL NO. AT006000000052075 OF 2020

Pravin Shivaji Hadawale

... Appellant

-VS-

Ladam Homes Pvt. Ltd.

... Respondent

APPEAL NO. AT006000000052076 OF 2020

Ganesh M. Ahire & Anr.

... Appellants

-VS-

Ladam Homes Pvt. Ltd.

... Respondent

**MISC. APPLICATION NO. 100 OF 2020 (Stay)
IN**

APPEAL NO. AT006000000052173 OF 2020

Ladam Homes Pvt. Ltd.

... Appellant

-VS-

Ganesh M. Ahire & Anr.

... Respondents

*Mr. Nihant Panicker, Advocate for Ladam Homes Pvt. Ltd. (Promoter).
None for Allottees.*

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 27th MARCH, 2024



(THROUGH VIDEO CONFERENCE)

ORAL ORDER

None for the Appellants in appeal nos. 52075, 52076 and Respondents in appeal no. 52173, who are Allottees.

2] Advocate Mr. Nihant Panicker for Respondent in appeal nos. 52075, 52076 and Appellant in appeal no. 52173, who is promoter joined the conference.

3] Perused.

4] No one has appeared on behalf of the Allottees even on the hearings held on 05.01.2024, 16.02.2024 and even today. Even after clearly pointing it out in the order dated 05.01.2024 that last chance is given to the Allottees to remain present in the next meeting date. Even then, during the last hearing date held on 16.02.2024, no one appeared on behalf of the Allottees and was again given one more chance for the final hearing with the understanding that no further adjournment request will be entertained on the next date. Despite these, none for the Allottees appeared today. Accordingly, matters have been taken up for final hearing today.

4] Mr. Nihant Panicker, learned counsel for Promoter joined the conference and submits that the controversy in question in both the complaints have already been settled based on certain written waiver/ consent letters dated 16.11.2019 given by both the complainants to the



promoter and in turn, the promoter has also duly accepted the waiver/consent letters. Accordingly, parties have settled the matters and took possessions of their respective subject flats after obtaining the O.C.

5] Learned counsel for Promoter further submits that pursuant thereto, these matters have been amicably resolved and based on the waiver letters, captioned appeals filed by the Allottees will not survive.

6] Coming to the cross-appeal filed by the Promoter, learned counsel for Promoter further submits that the cross-appeal has been filed based on certain observations made in para 5 of the non-execution order by MahaRERA dated 04.12.2019, wherein, in para 5, Complainants have been given certain advisory observations.

7] Perusal of the impugned order/non-execution order dated 04.12.2019 more particularly para 5, clearly reveals that these are advisory in nature. Moreover, in view of the waiver applications duly signed and given by the Allottees in both these two complaints, these have been duly accepted and confirmed the same by the Promoter. Based on the confirmations submitted by learned counsel for the Promoter today, more importantly, because the possessions of the respective subject flats have already been handed over in pursuance to the impugned order dated 26.09.2018, there is complete compliance of the non-execution order of MahaRERA dated 04.12.2019.

8] Upon careful examination of the controversy involved herein,



and in view of the submissions made by learned counsel for Promoter and on perusal of the relevant documents, more particularly the waiver letters given by allottees, we are of the considered view that disputes in all the three captioned appeals are settled and the impugned orders passed by the Maharashtra Real Estate Regulatory Authority (MahaRERA) are fully complied with and therefore, these three appeals will not survive, and we proceed to pass the order as follows: -

ORDER

- (a) The captioned Appeal Nos. AT006000000052075 of 2020, AT006000000052076 of 2020 and AT006000000052173 of 2020 stands disposed of on above terms.
- (b) No order as to costs.
- (c) In view of the disposal of the captioned appeals as above, pending Misc. Application will not survive. Hence, stand disposed of.
- (d) In view of the provisions of Section 44(4) of the Act of 2016, copy of this order will be sent to the parties and MahaRERA.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP, J.)