

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**MISC. APPLICATION NO. 598 OF 2022 (Possession)
IN
APPEAL NO. AT006000000052359**

Moneyam Natesan

... Appellant

-VS-

Lokhandwala Kataria Const. P. Ltd.

... Respondent

**MISC. APPLICATION NO. 13 OF 2021 (Waiver)
IN
APPEAL NO. AT006000000053301**

Lokhandwala Kataria Const. P. Ltd.

... Appellant

-VS-

Moneyam Natesan

... Respondent

Ms. Rama Subramanian, Advocate for Allottee.

Mr. Chirag Sarawagi, Advocate for Respondent.

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 29th AUGUST, 2023

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

2] Matter is listed today for final hearing.

3] Advocate Ms. Rama Subramanian is ready for argument.

However, Advocate Mr. Chirag Sarawagi is seeking time as the arguing



counsel Mr. Nimay Dave is not available.

4] Perused order dated 16.06.2023, wherein cost of Rs. 5000/- was imposed on promoter for the very same reason that the learned counsel for promoter has failed to argue the matter and in order to give fair and reasonable opportunity, last chance was granted subject to cost of Rs. 5,000/- and that cost of Rs. 5,000/- was paid subsequently.

5] Despite ample opportunities, learned counsel for promoter has not been arguing even today. Learned counsel for promoter is seeking time and Advocate Ms. Rama Subramanian, learned counsel for complainant submits that matter is getting dragged on account of learned counsel for promoter.

6] By way of last opportunity and in the interest of justice, one more opportunity is given to Promoter, subject to cost of Rs. 10,000/- (Ten Thousand) to be paid directly in the account of Allottee.

7] Advocate Mr. Chirag Sarawagi upon instructions, undertakes to pay the cost of Rs. 10,000/- within one week.

9] Payment of cost is condition precedent.

10] Stand over to 11th September, 2023 for final hearing with understanding that no further adjournment will be entertained at any cost by any side. (H.O.B).


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP, J.)