

**BEFORE THE MAHARASHTRA REAL ESTATE  
APPELLATE TRIBUNAL MUMBAI**

**M.A. No. 271/24 (I.R.)**

**In**

**1) Appeal No. AT006000000052580/20**

Mr. Kapil Trikha & Anr.

... Appellants

V/s.

Bhishma Realty Ltd & 2 Ors.

... Respondents

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*Adv. Mr. Jay Chhabria for Appellants*

*Adv. Mr. Anirban Sen for Respondent No.1*

*Adv. Mr. Abir Patel for Respondents No.2*

*Adv. Mr. Vinal Jain for Respondents No.3*

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**CORAM : SHRI SHRIRAM. R. JAGTAP, MEMBER (J), &  
DR. K. SHIVAJI, MEMBER (A)**

**DATE : 30<sup>th</sup> April, 2024**

(THROUGH VIDEO CONFERENCE)

1] We have heard learned Counsel for the respective parties and learned Advocate Mr. Jay Chhabria request to keep the matters back for taking instructions from his client whether Allottees are ready to deposit the balance amount. Therefore, matter is kept back.

**Later at 1.00 pm**

2] Same appearance.

3] We have heard learned Advocate for respective parties. Learned Advocate Mr. Jay Chhabria submits that the Allottees are ready to pay the balance consideration to the Promoter as mentioned in Para 7 of impugned Notice dated 12.04.2024.

*S. J. Jagtap*


4] Per contra, learned Advocate Mr. Abir Patel submits that the amount mentioned in the said Notice i.e. Rs.2,89,90,080/- is inclusive of GST. Apart from this, the Allottees have to pay last installment of Rs.58,74,767/- plus 12% GST. Besides, the Allottees have to pay other charges amounting to Rs.36,27,425/-. Learned Advocate Mr. Abir Patel further submits that he will file affidavit mentioning the break-up of outstanding amount and if Allottees are ready to pay that much amount the Promoter is ready to execute the agreement for sale and also part with possession of the subject flat to Allottees. Learned Advocate Mr. Abir Patel submits that he will share copy of affidavit with other side before the next date in advance so as to enable the Allottees to file their say with regard to the break-up of outstanding amount.

5] Allottees are directed to file their affidavits with regard to break-up of outstanding amount after receipt of affidavit from Promoter.

6] Learned counsel further submits that the above said contentions are without prejudice to their rights and contentions in the Appeal.

7] Stand over to 3<sup>rd</sup> May, 2024 for filing affidavit by parties

  
(DR. K. SHIVAJI)

  
(SHRIRAM. R. JAGTAP)