

May 06

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

MISC. APPLICATION O. 685 OF 2023
(Direction to Refund Amount)

WITH

MISC. APPLICATION NO. 122 OF 2022 (Urgent Disposal)

WITH

MISC. APPLICATION NO. 212 OF 2022 (Amendment)

IN

1. APPEAL NO. AT006000000052856 OF 2021

CCI Projects Private Limited

Rivali Park, CCI Compound, Express Highway,
Borivali East, Mumbai – 400 066.

... Appellant

versus

1. Dharmila Gopalan

2. Anita Gopalan

314, Raj Buwan SVP Road,
Charni Road Mumbai 400 095.

3. Cable Corporation of India Limited

Office at 4th Floor, Laxmi Building, 6,
Shoorji Vallabhdas Marg,
Ballard Estate, Mumbai 400 001.

... Non-applicants

ALONG WITH

MISC. APPLICATION NO. 559 OF 2023 (Withdrawal of Amount)

WITH

MISC. APPLICATION NO. 381 OF 2023 (Dismissal of Appeal)

IN

2. APPEAL NO. AT006000000052873 OF 2021

CCI Projects Private Limited

Rivali Park, CCI Compound, Express Highway,
Borivali East, Mumbai – 400 066.

... Appellant

versus

1. Paresh Jagubhai Bhavsar

2. Jagruti Jagubhai Bhavsar



402, F Wing, Kamgar Panchganga CHS.,
Daftary Road, Pushpa Park,
Malad East, Mumbai – 400 097.

3. Cable Corporation of India Limited

Office at 4th Floor, Laxmi Building, 6,
Shoorji Vallabhdas Marg,
Ballard Estate, Mumbai 400 001.

... Non-applicants

ALONG WITH

**MISC. APPLICATION NO. 686 OF 2023 (Refund)
IN**

3. APPEAL NO. AT006000000144251 OF 2023

CCI Projects Private Limited

Rivali Park, CCI Compound, Express Highway,
Borivali East, Mumbai – 400 066.

... Appellant

versus

1. Ms. Ritu Basu

2. Mr. Partha Basu

A/903, Rdha Residency Co-operative Hsg. Society,
Siddharth Nagar, St. John's School,
Borivali East, Mumbai 400 006.

3. Cable Corporation of India Limited

Office at 4th Floor, Laxmi Building, 6,
Shoorji Vallabhdas Marg,
Ballard Estate, Mumbai 400 001.

... Non-applicants

ALONG WITH

**MISC. APPLICATION NO. 697 OF 2023
(Direction to Refund Amount)
IN**

4. APPEAL NO. AT006000000144252 OF 2023

CCI Projects Private Limited

Rivali Park, CCI Compound, Express Highway,
Borivali East, Mumbai – 400 066.

... Appellant

versus



1. Mr. Jai Prakash Rathi

2. Ms. Ahana Rathi

Row House C, Mangalam Apartments,
Near Cambridge School, Thakur Complex,
Kandivali East, Mumbai 400 101.

3. Cable Corporation of India Limited

Office at 4th Floor, Laxmi Building, 6,
Shoorji Vallabhdas Marg,
Ballard Estate, Mumbai 400 001.

... Non-applicants

*Mr. Abir Patel i/b. Wadia Ghandy & Co., Advocate for Applicant in all matters.
Mr. S. Parthsarathy, Advocate for Non-applicants/ Respondent Nos.1 and 2
in appeal no.52856.*

*Ms. Shivani Shukla, Advocate for Non-applicants/ Respondent Nos.1 and 2
in appeal no.52873.*

*Ms. Urmila Vishwakarma, Advocate for Non-applicants/ Respondent Nos.1
and 2 in appeal no.144251.*

*Mr. Mangesh Nalawade, Advocate for Non-applicant/ Respondent No.3 in all
matters.*

None for Non-applicant/ Respondent Nos.1 and 2 in appeal no. 144252.

CORAM : SHRI S. S. SHINDE, CHAIRPERSON (J)

& DR. K. SHIVAJI, MEMBER (A)

DATE : 08th MAY 2024

(THROUGH VIDEO CONFERENCE)

ORDER

[PER: DR. K. SHIVAJI, MEMBER (A)]

By these captioned applications, applicant / appellant promoter is seeking refund of ₹ 1 crore (along with accrued interest, if any), which has been deposited in this Tribunal by the applicant towards compliance of the provisio to the Section 43(5) of the The Maharashtra Real Estate (Regulation and Development) Act, 2016 (in short, the Act) in Appeal No. AT006 000000052873 filed while challenging the order dated 21st October 2020 passed by learned Member, Maharashtra Real Estate Regulatory Authority (MahaRERA). By these applications, applicant further seeks direction, in the

alternative, for the adjustment for the said deposit of ₹ 1 crore to be appropriated towards the required deposits in Appeal Nos. AT006 0000000144251 and AT 0060000000144252 to the extent of ₹ 17,41,486/- and the remaining amounts be refunded to applicant promoter with accrued interest, if any.

2. Issues under considerations in all the captioned applications/ appeals are interconnected/interrelated and arise out of common backgrounds as well as are raising identical questions of law. Therefore, with consents of the parties, all the above applications have been heard together and are being disposed of by this common order as hereunder.
3. It is not necessary to narrate the backgrounds in detail and would suffice to narrate that Applicant is appellant and promoter, who is developing duly registered real estate project with MahaRERA under the Act, namely "WINTER GREEN RIVALI PARK" located at CCI Compound, Western Express Highway, Borivali (East), Mumbai- 66 (in short "said project"). Captioned non-applicants/ respondent nos. 1 and 2, are flat purchasers in the said project of promoter and are allottees as well as complainants before MahaRERA. For convenience, applicant and non-applicant nos. 1 and 2, will be addressed hereinafter as promoter and collectively as non-applicants /complainants respectively in their original status before MahaRERA.
4. **Background leading to filing of the above applications;** - Complaint No. CC006 0000000 151223 was filed on 11th October 2019 before MahaRERA by non-applicant's Allottees/ Association namely 'Rivali Park Wintergreen Buyer's Association', praying for various reliefs *inter alia* direction to applicant promoter for delivery of possessions of the respective flats together with interest for delay in possessions of the subject flats to its members, to pay rentals to seven members of its associations, who were paying rent/ alternate accommodations, further direction to applicant promoter to deposit in RERA's separate account, to penalize applicant

promoter of 5 percent of the project cost under Section 61 for violation under Section 14 of the Act and to restrain it against discrimination amongst the members of the association. The said complaint of the allottees association came to be disposed of by the learned Member MahaRERA, vide its order dated 17th August 2020 and was reviewed on 05th October 2020. Pursuant thereto, applicant promoter was directed *inter alia* in para 19 of the order as under; -

"...para 19. There is reason to believe that respondents have played a fraud on the allottees and the Authority also. They have concealed the material fact of respondent no.2's promoter-ship, which was required to be disclosed as per section 4 of RERA. They are guilty of U/s. 60 of RERA for contravening Section 4 of it, for which, maximum punishment is five percent of the estimated cost of the project. They have contravened Section 15 of RERA for which punishment is provided under Section 61 of it. In the facts and circumstances mentioned above, I direct the respondents to register the respondent no.2 as a promoter within next 7 days of the order and if they fail to do so, Authority reserves the order for imposing penalty for contravening Sections 60 r/w 4 and 61 r/w 15 of RERA."

5. Aggrieved by this order of MahaRERA, applicant promoter preferred appeal no. AT006 0000000 52725 before this Tribunal by challenging the orders dated 17th August 2020 and 05th October 2020. Cross-appeal No. AT006-0000000 52788 was also filed by M/s. Cable Corporation India Limited i.e., Non-applicant No.3 herein. Both the appeals came to be disposed of by this Tribunal, vide its order dated 29th September 2022 and were partly allowed by upholding these two impugned orders passed by MahaRERA with certain modifications in the order *inter alia* as follows: -

".... para 43. ii) a) Observations made in the impugned orders with regard to alleged fraudulent act by Appellants in both the Appeals with reference to Section 15 of RERA and regarding reserving the order for imposing penalty under relevant provisions of RERA stand deleted."

6. Individual allottees including the captioned non-applicants have also filed

separate individual complaints before MahaRERA, seeking various reliefs specific to allottee separately in each of the individual complaints. viz., the reliefs sought by non-applicants in Complaint no. CC0060000000193990 are *inter alia* for direction to applicant promoter to pay interest for the delay in delivery of the possessions on the paid amounts by individual allottees from 01st January 2022 till the date of possession of the subject flat as well as direction to applicant promoter to not to create 3rd party rights on the subject flat.

7. These separate complainants filed by individual allottees came to be disposed of by the learned Member, MahaRERA vide its common order dated 21st October 2020 directing applicant promoter *inter alia* that
"Para 33 E. The respondents shall pay the penalty of Rs.1,00,00,000/- for contravening and violating Sections 4, 11(4) (e) and 15 of RERA."
8. Aggrieved applicant promoter has preferred the captioned appeals by challenging the said order dated 21st October 2020 passed by learned Member, MahaRERA seeking various reliefs *inter alia* to quash and set aside the impugned order dated 21st October 2020.
9. Heard learned counsel for the parties *in extenso*. Perused records.
10. Advocate Mr. Abir Patel appearing for applicant prayed to allow these applications as elaborated above on the grounds set out in the captioned applications *inter alia* by submitting as follows: -
 - a. Complaint No. CC0060000000151223 filed by allottees association namely 'Rivali Park Wintergreen Buyer's Association' pertains to the same subject project as of the current appeals, which was disposed of by MahaRERA vide its order dated 17th August 2020 and was reviewed by MahaRERA vide, its order dated 05th October 2020, wherein, applicant was directed to register non-applicant no.3 herein as promoter of the said project within 7 days of the order, failing which MahaRERA had reserved its rights for imposing penalty for contravening Section 60 r/w 4 and 61 r/w 15 of the

Act of 2016.

- b. In view of the non-compliance of the order dated 05th October 2020, MahaRERA passed an order dated 21st October 2020 *inter alia* imposing penalty of ₹ 1 crore vide its para 33 E as elaborated above.
- c. By common order dated 29th September 2022, this tribunal disposed of both the appeals filed by applicant promoter and by applicant no.3, whereby, tribunal upheld the impugned orders dated 17th August and 5th October 2020 passed by MahaRERA on the Complaint No. CC006 0000000 151223, filed by allottees association with partial modifications *inter alia* deleted the certain parts of the order, wherein the Authority had reserved its rights to impose penalty. Accordingly, the foundation for imposing the penalty of ₹ 1 crore by MahaRERA in its order dated 05th October 2020 was set aside.
- d. Applicant, being appellant promoter in the captioned appeals, has been directed by the Tribunal vide its order dated 29th April 2022, to deposit the entire amount as per the common impugned order 21st October 2020, under challenge towards the compliance of the Proviso to Section 43(5) of the Act. Pursuant thereto, applicant promoter has deposited the said amount of ₹. 1,04,45,911/-, which includes penalty of ₹ 1 crore as per order of the Authority and this is the subject matter of deposit, which is being sought for refund/adjustment in the captioned applications.
- e. Since the very basis for imposition of the penalty of Rs. 1 crore has been deleted by this tribunal by its order dated 29th September 2022, the deposited amount of Rs. 1 crore has therefore become excess and hence, needs to be released back to the appellant promoter.
- f. Since this is a penalty amount, non-applicant Nos. 1 and 2 have no interest in the same nor have any right to claim the same and have no locus nor have any basis to oppose the same.
- g. In the event, if the tribunal permits this amount of Rs. 1 crore is in excess

then, it is intended to be used in order to comply with the common order passed in other captioned appeals towards the compliance of the proviso.

11. Advocate Ms. Shukla appearing for non-applicant nos. 1 and 2 in captioned appeal no. AT006000000052873 opposed the captioned misc. applications and prayed to dismiss the same by filing reply on the grounds set out there in as follows: -

- a. Non applicants were not the party, have no connection and have not even been heard before passing of the said orders dated 17th August 2020 and 05th October 2020 of MahaRERA and even the order dated 29th September 2022 passed by this tribunal on the appeal filed by the applicant promoter. As such, these orders are passed all together in a very different and separate complaint file by the association of the allottees.
- b. The order dated 29th September 2022 passed by this tribunal pertains to a proceeding in a separate Complaint No. CC0060000000151223. Non-applicants were never a party to those proceedings and are not privy to the hearings of those matters, which have been referred to and relied upon by the applicant in the captioned application. Therefore, non-applicants are not bound by any such orders passed on in any other matter, where they are not party to the same.
- c. It is a settled position of law that the foundation for imposition of penalty in one matter cannot apply in another matter, more particularly relating to these two proceedings, which are based on totally different complaints.
- d. In view of the provisions of law and in the light of the various judicial pronouncements, it is very clear that appellant must first comply with the proviso to the Section 43 (5) of the Act by pre-depositing their complete amounts before the appeals are entertained for consideration on merits.

12. Advocate Parthasarathy confined its submissions by submitting that the captioned deposit of Rs. 1,00,00,000 under consideration is against the penalty imposed on the applicant promoter and non-applicants allottees are

primarily concerned for the deposits to be made towards the compliance of the proviso by applicant promoter in respect of the reliefs granted in the impugned order. Therefore, non applicants are not concerned towards the compliance of the proviso in respect of the penalty amount and as such has no objections in this regard.

- 13.** Mr. Mangesh Nalawade, Advocate for Non-applicant/ Respondent No.3 in all matters submits that technically, it has no objections to allow the captioned miscellaneous applications.
- 14.** From the rival pleadings, submissions of parties and upon perusal of record, solitary point that arises for our determination is to whether, applicant promoter is entitled for the reliefs sought in these miscellaneous applications and to which, our finding is in the negative for the reasons to follows; -

REASONS

- 15.** It is not in dispute that these appeals have been filed by promoter of the said duly registered project. Hence, provisions of the Section 43 (5) of the Act are attracted. As controversies in these matters revolve around the proviso to Section 43(5) of the Act of 2016, the same is being reproduced herein as under for the sake of convenience: -

*"(5) Any person aggrieved by any direction or decision, or order made by the Authority or by an adjudicating officer under this Act may prefer an appeal before the Appellate Tribunal having jurisdiction over the matter: **Provided that where a promoter files an appeal** with the Appellate Tribunal, it shall **not be entertained, without the promoter first having deposited** with the Appellate Tribunal at least thirty per cent of the penalty, or such higher percentage as may be determined by the Appellate Tribunal, or **the total amount to be paid to the allottee** including interest and compensation imposed on him, if any, or with both, as the case may be, before the said appeal is heard.*

16. In view of above, the contentions of the applicant promoter while praying for the reliefs sought in the captioned applications, are legally not tenable on account of the followings; -

- a. It is pertinent to note that only a single solitary condition is required to be fulfilled before insisting for mandatory prior pre-deposits under the proviso is that if Appellant is a promoter. Relevant abstract of the proviso is "**.....Provided that where a promoter files an appeal with the Appellate Tribunal,**".

Admittedly, appellant herein, is promoter. The applicant promoter is therefore required to first complete the required predeposit towards compliance of proviso in the instant cases before these appeals are to be entertained.

- b. It can also be seen from the above provisions that applicant promoter is required to first comply with the proviso by pre-depositing the requisite amount and the compliance of the proviso is *sine qua non* before the said appeals are admitted and entertained for further considerations on merits. Admittedly, captioned appeals filed by the applicant is promoter and hence, is statutorily and mandatorily required to comply with the complete compliance of the proviso first before entering into merits/ disputes.

- c. In the case of **M/s Newtech Promoters And Developers Pvt. Ltd Vs, State of UP & Ors. [Civil Appeal Nos.6745-6749 of 2021]**, the **Hon'ble Supreme Court** thoroughly considered the relevant provisions of pre-deposit in other enactments and regarding proviso to Section 43(5) of the Act and observed more particularly in paragraph Nos 127 and 128 *inter alia* that for prior pre-deposits is must in order to secure the "**the total amount to be paid to the allottee**", as determined in the impugned order/s and prior compliance of proviso under the Section 43(5) of the Act is prerequisite before the appeal/s filed by promoter is entertained.

- d. Whereas in paragraphs 31 of the judgment in the case **of Nusli Neville**

Wadia Vs. Ivory Properties & Ors. [(2020) 6 SCC 5571], the Hon'ble **Supreme Court** has clarified the word "entertain" means to admit a thing for consideration, to adjudicate upon or to proceed to consider on merits as follows; -

- i. "31. The expression 'entertain' means to admit a thing for consideration. When a suit or proceeding is not thrown out in limine, but the court receives it for consideration for disposal under the law, it must be regarded as entertaining the suit or proceeding. It is inconsequential what is the final decision. The word 'entertain' has been held to mean to admit for consideration, as observed by this Court in *Lakshmiratan Engineering Works Ltd. v. Assistant Commissioner, Sales Tax, Kanpur*, AIR 1968 SC 488. The expression 'entertain' means to adjudicate upon or to proceed to consider on merits as observed in *Hindusthan Commercial Bank Ltd. v. Punnu Sahu (Dead) through Legal Representatives*, 1971 (3) SCC 124.
- ii. 32. The meaning of the word 'entertain' has been considered to mean 'adjudicate upon' or 'proceed to consider on merits.' It has been observed in *Hindusthan Commercial Bank Ltd. v. Punnu Sahu (Dead) through Legal Representatives*, 1971 (3) SCC 124 as under:
- iii. "4. Before the High Court it was contended on behalf of the appellant, and that contention was repeated in this Court, that Clause (b) of the proviso did not govern the present proceedings as the application in question had been filed several months before that clause was added to the proviso. It is the contention of the appellant that the expression "entertain" found in the proviso refers to the initiation of the proceedings and not to the stage when the Court takes up the application for consideration. This; contention was rejected by the High Court relying on the decision of that court in *Kundan Lal v. Jagan Nath Sharma*, AIR 1982 All 547. The same view had been taken by the said High Court in *Dhoom Chand Jain v. Chamanlal Gupta*, AIR 1962 All 543 and *Haji Rahim Bux and Sons v. Firm Samiullah*

and Sons, AIR 1963 All 320 and again in Mahavir Singh v. Gauri Shankar, AIR 1964 All 289.

- iv. *These decisions have interpreted the expression "entertain" as meaning 'adjudicate upon' or 'proceed to consider on merits.' This view of the High Court has been accepted as correct by this Court in Lakshmiratan Engineering Works Ltd. v. Asst. Comm., Sales Tax, Kanpur, AIR 1968 SC 488. We are bound by that decision, and as such, we are unable to accept the contention of the appellant that Clause (b) of the proviso did not apply to the present proceedings."*
- v. *The word 'entertain' came up for consideration in Hindusthan Commercial Bank Ltd. (supra) in the context of Order XXI Rule 90 as amended by the Allahabad High Court. The expression entertain has been held to mean to adjudicate upon or proceed to consider on merits."*
- e. Meaning of the word 'entertain', as has been clarified above by the Hon'ble Supreme Court in the aforesaid judgments and the plain reading of the Proviso to Section 43(5), makes it crystal clear that any appeal filed by promoter cannot be entertained or considered for adjudication or proceed further on merits without the promoter having first complied with the Proviso to Section 43(5) of the Act. Whereas Reliefs prayed for in these appeals filed by the applicant promoter are to quash and set aside the common impugned order dated 21st October 2020, wherein, the said penalty of ₹1,00,00,000 is one of the final operative parts of the impugned order and is one of the directions to the applicant promoter. This penalty has been passed after considerations of other primary findings on purported violations. Hence, the said relief/s sought in these applications are integral and inextricably intertwined with the roots of the controversies involved in these appeals, can't be considered without getting into the merits of appeals and therefore, these can't be considered without first compliance of proviso.



- f. Whereas admittedly, captioned appeals are presently at the stage of consideration for compliance of the proviso to section 43 (5) of the Act and compliance report filed are still under dispute/ considerations. Thus, it is more than crystal clear that controversies / disputes in these applications cannot be considered at this stage and proceedings cannot enter into the merits of these appeals without first complete and satisfactory compliance of the proviso (leave aside to permit and grant of such reliefs prayed for in these applications, which goes to the roots of the matters). Therefore, in view of the provisions of the Act and in the light of various judicial pronouncements, these applications are premature for any further considerations at this stage.
- g. Careful perusal of the relevant records clearly demonstrates that the orders dated 17th August 2020, 5th October 2020, and 21st October 2020, of MahaRERA including the order dated 29th September 2022 of this tribunal, based on which the captioned applications are being sought to be allowed, are passed in a very different complaint altogether, which has been filed by the association of allottees. Whereas the issues towards the compliance of the proviso in the captioned appeals and also in the captioned applications under consideration are in respect of altogether another and separate set of complaints filed by individual allottees seeking many reliefs specific to complainant. Accordingly, captioned appeal proceedings are altogether on a very different set of complaints filed separately by individual allottees seeking very different set of the reliefs altogether compared to the complaint filed by the association of the allottees. At the same time, the outcomes in the order 29th September 2022, passed by this tribunal are altogether in a very different complaint, which is having a very different set of reliefs sought therein. Therefore, decisions taken therein in a different complaint cannot be directly applied straightway without completing the required hearings, pleadings and submissions of the concerned parties,

which are still incomplete at this stage and for which, even the mandatory and statutory compliance of the proviso is still under consideration in these captioned appeals.

- h. The order referred and relied upon as the foundation in the captioned applications is dated 05th October 2020 in the complaint filed by the association of allottees and it clearly shows in its para 19 that MahaRERA reserves the order for imposing penalty for contravening Section 60 r/w 4 and 61 r/w 15 of RERA, which has subsequently been modified by this tribunal vide its order dated 29th September 2022 in the complaint filed by the association, wherein the penalties, which have been deleted, are in respect of the violations under Section 60 r/w 4 and 61 r/w 15 of the Act of 2016.

Whereas in these captioned applications, promoter is seeking the refund / adjustment of the penalty of ₹ 1 crore as directed in the order dated 21st October 2020 is passed by MahaRERA in its para 33 E, which is relating to the penalty of ₹ 1 crore for contravening and violating *sections 4, 11(4) (e) and 15 of RERA* i.e. for additional alleged violation of 11(4) (e) also.

Therefore, the extents of violations in the order impugned are not only under Sections 4 and 15 of RERA but also for violation under Section 11 (4) (e) of the Act that too in relation to the another set of complaints filed by individual allottees, having substantially different reliefs sought therein. Therefore, the findings in these two different orders are on account of alleged violations of not the same set of sections of the Act. Accordingly, the basis of penalty in the captioned applications are different and these findings can't be straight away applied in the instant applications without further application of mind and even without going into the roots of matters. But this is not possible at this stage without first complete compliance of the proviso. Therefore, the prayers of the applicant promoter in the captioned applications are legally not sustainable at this stage.





- i. The tribunal has no power either to reduce, change or waive such requirements for compliance with the provision under the Act.
 - j. It is settled position of law that the penalty component can be adjudicated/quantified and determined only after all the findings with respect to the primary purported violations/breaches are complete and after the assessment of the gravity of such violations and only thereafter, the quantum of penalty could be determined and adjudicated, which is only at the end of all the determinations and findings. Whereas in the instant case of the appeal proceedings, these controversies are yet to be gone into. Therefore, without going into the roots of the matters, it will not be possible to determine details of alleged violations, if any and then only, it is proper to decide the quantum of penalty at the end and not in the beginning itself as being prayed for herein. Accordingly, refund/adjustment of the penalty as sought in the current applications cannot be allowed even before the determinations on the primary foundational purported violations.
 - k. Additionally, the relief prayed for in the captioned applications are integral to the roots of the matter. Therefore, it can't be considered and decide the quantum of penalty at this stage based on the findings of purported violations on a different set of the sections of the Act in different complaints and these cannot be decided in bits and pieces in compartmentalised fashion as prayed herein, that too in the beginning itself. These controversies are to be considered appropriately on merits, only if appeals are admitted, and if these appeals are qualified to be entertained.
 - l. In view of the above, more particularly based on judicial pronouncements by The Hon'ble Supreme Court in the case of M/s. Newtech Promoters and Developers Pvt. Ltd. (supra) in para no. 127, if prayers of the promoter is allowed then, it will not only be incorrect but will also be contrary to the legislative mandate as well as per the provisions of the Act.
- 17.** Considering above, we are of the view that captioned miscellaneous

applications are devoid of merit, lack substance and are liable to be dismissed. Promoter is statutorily and mandatorily required to first complete the compliance of the proviso. Accordingly, we answer solitary point in the negative and proceed to pass order as follows: -

ORDER

- a. Captioned Misc. Application No. 559 of 2023 in the captioned appeal no. **AT006000000052873** stand dismissed and disposed of.
- b. In view of the dismissal of the Misc. Application no. 559 of 2023, other captioned Misc Application Nos. 685 of 2023, 686 of 2023 and 697 of 2023 will not survive. Hence, stand disposed of.
- c. No order as to costs.
- d. In view of the provisions of Section 44 (4) of the Act of 2016 a copy of this order be sent to the parties and MahaRERA.


(DR. K. SHIVAJI)


(S.S. SHINDE, J.)