

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**(8) M. A. NO. 209/2023 (Withdrawal of Amt.)
IN
APPEAL NO. AT006000000052992/21**

Mr. Manoj Gangwani & 3 Ors. ... Applicants

-VS-

Neelkamal Realtors Suburban Pvt. Ltd. ... Non-applicant

**(9) M. A. NO. 216/2023 (Withdrawal of Amt.)
IN
APPEAL NO. AT006000000052991/21**

Mr. Saurabh Masekar & Anr. ... Applicants

-VS-

Neelkamal Realtors Suburban Pvt. Ltd. ... Non-applicant

**(10) M. A. NO. 217/2023 (Withdrawal of Amt.)
IN
APPEAL NO. AT006000000052362/21**

Gopal Shetty & Usha Shetty ... Applicants

-VS-

Neelkamal Realtors Suburban Pvt. Ltd. ... Non-applicant

**(11) M. A. NO. 267/2023 (Withdrawal of Amt.)
IN
APPEAL NO. AT006000000041893/19**

Bhartendu Vatsya & Anr. ... Applicants

-VS-

Neelkamal Realtors Suburban Pvt. Ltd. ... Non-applicant

Mr. Manoj Gangwani, Applicant-in-person and on behalf of other Applicants in sr. no. 8.

Mr. Hiren Patel, Advocate for Applicant in sr. no. 9.

Ms. Shivani Shukla h/f Adv. Anil D'Souza, Advocate for Applicants in sr. no. 10.

Mr. Bishwajeet Mukharjee, Advocate for Applicants in sr. no. 11.

Mr. Sushant Chavan, Advocate for Non-applicant in all matters.

**CORAM : SHRI S. S. SHINDE(J), HON'BLE CHAIRPERSON &
DR. K. SHIVAJI, MEMBER (A)**

DATE : 18th AUGUST, 2023

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

2] Learned counsel for Applicants confirms that the second appeal filed by Non-applicant before the Hon'ble Bombay High Court has been dismissed and as of now, there is no pending proceedings on these matters anywhere. Even then, the impugned order dated 1st March, 2023 passed by this Tribunal has not been complied yet.

3] Learned counsel for Applicants pressed for withdrawal of deposit made by the Non-applicant in this Tribunal towards compliance of the proviso to the section 43(5) of MahaRERA Act. However, learned counsel for Non-applicant seeks last opportunity to file reply to these applications within two weeks from today. By way of understanding that no further time will be given to Non-applicant, reply be filed and served to other side within two weeks, failing which the matters will proceed without reply.

4] Liberty to Applicants to file rejoinder, if any within one week from the date of receipt of reply from Non-applicant.




5] Learned counsel for Applicant vehemently opposed the request of Non-applicant for seeking time for filing reply by stating that the second appeal has already been dismissed, order of the Tribunal has attained the finality and in view of the facts and circumstances of the case, cost needs to be imposed on Non-applicant. In case, reply by Non-applicant has not filed within two weeks from today, then Non-applicant will have to pay the cost of Rs.2,000/- to each of the Applicants within one week from the date thereafter.

6] Stand over to 13th Sept. 2023 for further consideration and hearing on Misc. Applications.


(DR. K. SHIVAJI)

MS/-


(S. S. SHINDE, J)