

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

M.A. No. 274/21 (Stay)

In

2) Appeal No. AT006000000053033/21

M/s Gadkari Builders & Associates ... Appellant

V/s.

Mr. Samir A. Thakker ...Respondent

Alongwith

M.A. No. 276/21 (Stay)

In

3) Appeal No. AT006000000053035/21

M/s Gadkari Builders & Associates ... Appellant

V/s.

Mr. Amit Kumar Saxena ...Respondent

Alongwith

M.A. No. 278/21 (Stay)

In

4) Appeal No. AT006000000053036/21

M/s Gadkari Builders & Associates ... Appellant

V/s.

Ms. Pallavi V. Otawkar ...Respondent

Alongwith

M.A. No. 280/21 (Stay)

In

5) Appeal No. AT006000000053039/21

M/s Gadkari Builders & Associates ... Appellant

V/s.

Syatep

Asavari Otawkar

...Respondent

Alongwith
M.A. No. 282/21 (Stay)
In

6) Appeal No. AT006000000053041/21

M/s. Gadkari Builders & Associates

... Appellant

V/s.

Mr. Sameer Walishetty

...Respondent

Alongwith
M.A. No. 284/21 (Stay)
In

7) Appeal No. AT006000000053043/21

M/s Gadkari Builders & Associates

... Appellant

V/s.

Mr. Shrikrishna Shankar Kulkarni

...Respondent

Alongwith
M.A. No. 286/21 (Stay)
In

8) Appeal No. AT006000000053045/21

M/s Gadkari Builders & Associates

... Appellant

V/s.

Basawantray S. Hampanagoudar

...Respondent

Alongwith
M.A. No. 288/21 (Stay)
In

9) Appeal No. AT006000000053054/21

M/s Gadkari Builders & Associates

... Appellant

V/s.



Durgaprasad G. Tambulwadkar

...Respondent

Alongwith

M.A. No. 290/21 (Stay)

In

10) Appeal No. AT006000000053056/21

M/s Gadkari Builders & Associates

... Appellant

V/s.

Ms. Sheetal A. Gadkari

...Respondent

Alongwith

M.A. No. 856/22 (Delay)

M.A. No. 857/22 (Stay)

In

11) Appeal No. AT006000000113947/22

M/s Gadkari Builders & Associates

... Appellant

V/s.

Durgaprasad G. Tambulwadkar & Anr.

...Respondents

Adv. Ms. Pooja Harit for Appellant

Adv. Mr. Aditya Parab for Respondents

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

DATE : 25th April, 2024

(THROUGH VIDEO CONFERENCE)

Heard learned Counsel for the parties.

2] Learned Counsel submit that being aggrieved by the common Interim Orders dated 4th March, 2020 passed in the complaints, the Promoter has preferred these Appeals. Thereafter, by Order dated 17th

Sgtap

December, 2021 the learned Authority has extended liberty to the complainants to file necessary application to list the complaints for disposal after passing the final orders in the Appeals by MahaREAT.

3] Record reveals that the complaints are of 2018. If the interim order dated 4th March, 2020 is set aside by consent and the matters are remanded to the learned Authority for deciding afresh the very purpose will suffice.

4] Record reveals that in Appeal No. AT006000000113947 the Promoter has challenged the order dated 8th April, 2022.

5] On examination of the said impugned order, reveals that the learned Authority passed impugned Order in the application filed for non-execution of the interim order dated 4th March, 2020 passed by the erstwhile Chairperson. Learned Counsel admit that there is typo error in mentioning non-execution of order dated 4.3.2020. The date of Interim order is 4.3.2020. However, because of typo error the impugned order mentions date as 3.4.2020.

6] A perusal of Interim Order dated 4th March, 2020 reveals that the learned Authority has directed Respondent i.e Applicant to handover the list of Allottees of the subject project to the complainants and the other Allottees alongwith their contact details within 30 days from the date of the Order to enable them to form an Association of Allottees so as to enable the Allottees to take decision in the matter by invoking provisions of Section 7 of RERA Act, 2016. It means the subject project is at stand still. Therefore, considering the peculiar



circumstances of the case we are of the view that there is no impediment in setting aside the Interim Order dated 4th March, 2020. Consequently, we proceed to pass the following order:

ORDER

- (1) Interim Order dated 4th March, 2020 passed in complaint Nos. CC006000000056142, CC006000000056153, CC006000000056155, CC006000000056159, CC006000000056160, CC006000000056224, CC006000000056358, CC006000000056565, CC006000000089820, CC006000000001763 and CC006000000023437, is set aside.
- (2) In view of the above, Order dated 8th April, 2022 passed by the learned Authority in non-execution application is also set aside.
- (3) The complaints are remanded to learned Authority to be decided afresh.
- (4) Learned Authority is requested to dispose of all the complaints expeditiously.
- (5) The complaints are quite old. Therefore, the learned Authority is requested to dispose of the complaints on priority basis.
- (6) Parties to the Appeals are directed to appear before the learned Authority on 16th May, 2024 without fail.
- (7) Parties to bear their own costs.
- (8) Copy of this order be sent to the respective parties and the learned Authority as per the provisions of Section 44(4) of RERA, 2016.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP)