

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**MISC. APPLICATION NO. 445 OF 2023 (Delay)
WITH
MISC. APPLICATION NO. 421 OF 2023 (Restoration)
IN
APPEAL NO. AT006000000053617**

Vijay Suraksha Realty LLP

... Applicant

-VS-

Vivek Shetty & Anr.

... Non-applicants

None for Applicant.

Ms. Shivani Shukla, Advocate for Non-applicants.

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

DATE : 24th AUGUST, 2023

(THROUGH VIDEO CONFERENCE)

None for Applicant.

2] Ms. Shivani Shukla, learned counsel for Non-applicants joined the conference.

3] Learned counsel for Non-applicants submits that Applicant has not complied with the requirements of the Proviso to Section 43(5) and therefore, Misc. Application Nos.445/2023 and 421/2023 have been filed for setting aside the dismissal order dated 20.02.2023, which was issued for non-compliance of the statutory/mandatory compliance of the




Proviso to Section 43(5) of the Act of 2016.

4] Applicant was not present even on the last date and is absent even today.

5] In view of above, it appears that Applicant is not serious, non-vigilant and accordingly the applications are not worthy to be considered. However, in the interest of justice, one more opportunity is granted to Applicant, failing which appropriate order will be passed on next date for rejection of both these two applications.

6] Stand over to 09th October, 2023 for appearance of Applicant/ dismissal.


(DR. K. SHIVAJI)


(SHRIRAM R. JAGTAP, J.)