

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**APPEAL NO. AT006000000053623  
ALONG WITH  
MISC. APPLICATION NO. 292 OF 2022 (Stay)**

Neelkamal Realtors Suburban Pvt. Ltd.

... Appellant

-VS-

Mr. G. Satish

... Respondent

---

*Mr. Sushant Chavan, Advocate for Appellant.*

*Mr. Prashant Chavan, Advocate for Respondent.*

---

**CORAM : SHRI S. S. SHINDE J., CHAIRPERSON &**

**DR. K. SHIVAJI, MEMBER (A)**

**DATE : 31<sup>st</sup> AUGUST, 2023**

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

- 2] Appeal is listed for pronouncement of judgment today.  
3] By separate judgment, following order is pronounced;-

**ORDER**

- (i) Captioned Appeal No.AT006000000053623 is dismissed.  
(ii) In view of the dismissal of appeal, pending miscellaneous application will not survive, hence stand disposed of.  
(iii) No order as to costs.  
(iv) In view of the provisions of Section 44(4) of the Act of 2016, a copy of the Judgment be sent to the parties and MahaRERA.




4] At this stage, Advocate Mr. Sushant Chavan, learned counsel for Appellant seeks to stay the aforesaid order in this appeal in order to take appropriate steps by submitting that according to him, he has strong case on merits and also wish to withdraw the pre-deposits made towards compliance of the Proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016. Learned counsel for Appellant further submits that, interest of the Allottee/respondent is already safeguarded by virtue of the deposits made in the Tribunal towards the compliance of the Proviso to Section 43(5) of the Act of 2016.

5] Advocate Mr. Prashant Chavan, learned counsel for Respondent vehemently objected to the prayers made by learned counsel for Appellant regarding the withdrawal of the pre-deposit made and opposed the prayer for stay of the order pronounced today.

6] The Appellant wish to avail an appropriate remedy as available in law and for said purpose he is seeking stay to operation and execution of the order. In our opinion, ends of justice would meet in case operation and execution of the order pronounced today in captioned appeal is stayed for four weeks.

7] In view of above, operation and execution of the order pronounced today in the captioned appeal stands stayed for four weeks.

  
(DR. K. SHIVAJI)

  
(S. S. SHINDE, J.)