

**BEFORE MAHARASHTRA REAL ESTATE  
APPELLATE TRIBUNAL MUMBAI**

**M. A. No. 447/22 (Stay)  
M. A. No. 1071/22 (Addl. Docs.)  
M. A. No. 652/23 (Injunction)  
In  
APPEAL NO. AT006000000053709/22**

Casa Fresco A to E Co-Op.  
Hsg. Soc. Ltd.

... Appellant

V/s.

Macrotech Developers Ltd.

... Respondent

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*Adv. Ms. Leena Kaulgekar for Appellant*

*Adv. Mr. Vikramjit Garewal for Respondent*

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

**DATE : 21<sup>st</sup> March, 2024**

**(THROUGH VIDEO CONFERENCE)**

1] Advocate Ms. Leena Kaulgekar submits that at the time of inspection of the project the architect had asked the Promoter to provide some documents but the Promoter did not provide the documents and therefore the Promoter be directed to provide the documents asked by architect.

2] Per contra, Advocate Mr. Vikramjit Garewal submits that the Promoter has provided documents whatever required by the architect and he further submits that the Promoter will handover or provide the documents which will be asked by architect.

3] In view of these submissions, there is no necessity to give direction to Promoter as prayed by Advocate Ms. Leena Kaulgekar.




4] Advocate Ms. Leena Kaulgekar further submits that in view of the Order dated 3<sup>rd</sup> July, 2023 the Misc. Application No.447/22 be disposed of. In view of this submission, Misc. Application No.447/22 stands disposed of. Parties shall bear their own cost.

5] Advocate Mr. Vikramjit Garewal submits that the Respondent has filed reply to Misc. Application No.652/23 and served the copies of the same to the other side.

6] After hearing the learned Counsel appearing for respective parties for some period, learned Advocate Mr. Vikramjit Garewal for Respondent submits that the Respondent is charging interest on the unpaid amount and the Respondent has not imposed penalty on the members of the Appellant. We clarify that charging of the interest is different connotation then imposing penalty on the defaulting party. In view of submission of Advocate for Promoter, hearing of Misc. Application No.652/23 is adjourned.

7] Stand over to 6<sup>th</sup> May, 2024 for hearing on Misc. Application No.652/23

  
(DR. K. SHIVAJI)

MBT/

  
(SHRIRAM. R. JAGTAP)