

**BEFORE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL MUMBAI
32] APPEAL NO. AT005000000063819/2022**

Mr. Ashokrao E. Vikhe Patil ... Appellant
V/s.
Panchshil Infrastructure Holdings Pvt. Ltd. ... Respondent

33] M. A. No. 1042/22 (Stay)

In

APPEAL NO. AT005000000063831/2022

With

M. A. No. 89/24 (Direction to Deposit)

Panchshil Infrastructure Holdings Pvt. Ltd. ... Appellant
V/s.
Mr. Ashokrao E. Vikhe Patil ... Respondent

Adv. Ms. Akashata Patwari for Appellant (Sr. No.32) and for Respondent (Sr. No.33)

Adv. Mr. Srinivas Joshi for Respondent (Sr. No. 32) and for Appellant (Sr. No.33)

CORAM : SHRI SHRIRAM. R. JAGTAP, MEMBER (J), &

DR. K. SHIVAJI, MEMBER (A)

DATE : 11th March, 2024

(THROUGH VIDEO CONFERENCE)

APPEAL NO. AT005000000063819/2022

Advocate Mr. Srinivas Joshi for Respondent submits that the Respondent has filed an affidavit which is reply of Respondent. It is at page no.149.

2] Advocate Ms. Akashata Patwari confirms that the Appellant has received the copy of reply of Respondent.

3] Learned Counsel submit that in both the matters the parties have filed common written submissions and served the copies of the same to the other side.

4] Stand over to 2nd May, 2024 for final hearing.



M. A. No. 1042/22 (Stay) alongwith M. A. No. 89/24 (Direction to deposit) In Appeal No. AT005000000063831/22

Learned Counsel submit that in both the matters the parties have filed common written submissions and served the copy of the same to the other side.

2] Advocate Mr. Srinivas Joshi submits that the Appellant being Promoter has moved Application for allowing the Promoter to deposit 30% amount of the total amount awarded by learned Authority.

3] A perusal of impugned Order would show that the learned Authority has directed the Promoter to pay interest on the amount paid by Allottees till the date of possession of the subject flat. Section 43(5) of RERA casts an obligation on the Promoter to deposit the entire amount, unless the Promoter deposits the entire amount the Appeal will not be entertained. Therefore, the Promoter is directed to deposit the entire amount as ordered by the learned Authority and submit the compliance report in compliance of proviso to Section 43(5) of RERA failing which the Appeal will be dismissed.

4] Accordingly, Misc. Application No.89/2024 stands disposed of.

5] Stand over to 2nd May, 2024 for compliance of proviso to Section 43(5) of RERA.


(DR. K. SHIVAJI)

MBT/32-33


(SHRIRAM. R. JAGTAP)