

**BEFORE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL MUMBAI**

M.A. No.275/24 (I.R.)
17] Appeal No. AT005000000093925/22

Anita B Zatakia & Anr. ... Appellants

V/s.

Khambhati Modh Vanik Samaj, Mumbai & Ors. ...Respondents

Alongwith

M.A. No. 716/22 (Stay)
M.A. No. 205/23 (R)(Dismissal of Appeal)
In
18] Appeal No. RC-2/22

Anita B. Zatakia & Anr. ... Appellants

V/s.

Khambhati Modh Vanik Samaj, Mumbai & Ors. ...Respondents

Alongwith

19] Appeal No. S-1/2023

Anita Bharatbhai Zatikia & Anr. ... Appellants

V/s.

Khambati Modh Vanik Samaj & 6 Ors. ...Respondents

Alongwith

M.A. No. 496/23 (Stay)
In
20] Appeal No. S-2/2023

Mr. Chetan V. Vithlani & Anr. ... Appellants

Gayatri

V/s.

Shree. Khambati Modh Vanik Samaj & 2 Ors. ...Respondents

Adv. Ms. Vinodini Srinivasan for Appellant in Sr. Nos. 17, 18 & 19

Adv. Ms. Charmie Gandhi for Appellant in Sr. No. 20

Adv. Mr. Snehal Chaudhari for Respondent No. 1 in Sr. Nos. 17 to 20

Adv. Mr. Bishwajeet Mukharjee for Respondent No.2 in all matters.

Adv. Mr. Shravan Giri for all the matters (Bhakti enterprises)

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

DATE : 3rd May, 2024

(THROUGH VIDEO CONFERENCE)

1. Adv. Vinodini Srinivasan submits that the appellants in appeal no. AT006000000093925 have moved application bearing M.A. No. 275 of 2024 and thereby, prayed to continue the interim reliefs granted by the order dated 23rd October 2023 passed by this Tribunal in review application no. 69 of 2022 in appeal no. AT006000000093925 till final disposal of the present appeal.
2. The learned advocate has further submitted that the copy of this application has already been served to the other side.
3. Learned counsel appearing for respondents submit that yesterday night they have received the copy of this application. They seek time to file reply to this application.
4. After going through the impugned order reveals that the learned Authority has protected the rights of allottees. Besides, while passing the order dated 23rd October 2023 in review application filed in appeal no. AT006000000093925 this Tribunal has observed that the order of MahaRERA is clear with regard to the unsold flats. Therefore, considering the circumstances of the case and in order to protect the rights of allottees till filing of the reply to this

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application, we are of the view that there is no impediment in directing Trust, Khambhati Modh Vanik Samaj, Mumbai, New developer and Jayant Mehta to maintain status quo i.e. not to ^{to} handover the possession of 5 unsold flats to any allottee and reserved 5 unsold flats of similar area for allottees who have filed appeal against the impugned order till further order.

5. Now learned Adv. Biswajeet Mukherjee submits that the new developer will maintain the status quo which was existing on 23.10.2023.
6. Record reveals that parties have also filed written submissions.
7. Adv. Shravan Giri seeks time to file written submissions. Last chance is granted.
8. Stand over to 25th July 2024 for filing written submissions by respondent no. 1 and for final hearing.



(DR. K. SHIVAJI)



(SHRIRAM. R. JAGTAP)