

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**67] MISC. APPLICATION NO. 112 OF 2023(Amendment)  
EX. NO. 40 of 2022  
IN**

**APPEAL NO. AT006000000021326 OF 2019**

Anthony D'souza & Anr.

... Applicants

-VS-

Man Golobal Ltd.

...Non-applicant

**Alongwith**

**68] MISC. APPLICATION NO. 113 OF 2023(Amendment)  
EX. NO. 41 of 2022  
IN**

**APPEAL NO. AT006000000021257 OF 2019**

Brijesh Kumar Mathur

... Applicant

-VS-

Man Golobal Ltd.

...Non-applicant

**Alongwith**

**69] MISC. APPLICATION NO. 114 OF 2023(Amendment)  
EX. NO. 42 of 2022  
IN**

**APPEAL NO. AT006000000021273 OF 2019**

Mrs. Simin Asif & Anr.

... Applicants

-VS-

Man Golobal Ltd.

...Non-applicant

**Alongwith**

**70] MISC. APPLICATION NO. 115 OF 2023(Amendment)  
EX. NO. 43 of 2022  
IN**

**APPEAL NO. AT006000000021279 OF 2019**

Meenal Parab & Anr.

... Applicants

-VS-

Man Golobal Ltd.

...Non-applicant

**Alongwith**

**71] MISC. APPLICATION NO. 116 OF 2023(Amendment)**

**EX. NO. 44 of 2022**

**IN**

**APPEAL NO. AT006000000021286 OF 2019**

Mr. Vikas Khanna & Anr.

... Applicants

-VS-

Man Golobal Ltd.

...Non-applicant

**Alongwith**

**72] MISC. APPLICATION NO. 117 OF 2023(Amendment)**

**EX. NO. 45 of 2022**

**IN**

**APPEAL NO. AT006000000031743 OF 2019**

Mr. Sidiqali Mankar

... Applicants

-VS-

Man Golobal Ltd.

...Non-applicant

**Alongwith**

**74] MISC. APPLICATION NO. 154 OF 2023(Amendment)**

**EX. NO. 47 of 2022**

**IN**

**APPEAL NO. AT006000000021300 OF 2019**

Mr. Rakesh H. Parmar & Anr.

... Applicants

-VS-

Man Golobal Ltd.

...Non-applicant

**Alongwith**

**75] MISC. APPLICATION NO. 155 OF 2023(Amendment)**

**EX. NO. 48 of 2022**

**IN**

**APPEAL NO. AT006000000021306 OF 2019**

Mr. Amit Bimani & Anr.

... Applicants

-VS-

Man Golobal Ltd.

...Non-applicant



**Alongwith**  
**76] MISC. APPLICATION NO. 156 OF 2023(Amendment)**  
**EX. NO. 49 of 2022**  
**IN**  
**APPEAL NO. AT006000000021315 OF 2019**  
Rakesh Kumar Jha & Anr. ... Applicants

-VS-

Man Golobal Ltd. ...Non-applicant  
*Adv. Rupali Padgulekar for Applicants in Sr. No. 67 to 72 and Sr. No. 74 to 76.*  
*Adv. Vinod Talreja for Non-applicants in Sr. No. 67 to 72 and Sr. No. 74 to 76.*

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

**DATE : 27<sup>th</sup> JULY, 2023**

(THROUGH VIDEO CONFERENCE)

Adv. Rupali Padgulekar, learned counsel for the Applicants and Adv. Vinod Talreja, learned counsel for Non-applicants joined the conference.

2] Heard learned counsel for the parties. By these Applications, Applicants are seeking to make an amendment to the execution applications already filed and <sup>are</sup> ~~is~~ under execution at different stages including issuance of warrants for recovery of the amount as per, the common impugned order dated 10<sup>th</sup> June, 2022.

3] Learned counsel for the Applicants further submits that there was certain calculation mistake, which crept in filing the earlier Execution applications in terms of quantifying the amount of dues as per the impugned order more particularly as per the order in para 32 (3) wherein it has been specifically directed as

*"Respondent Promoter is directed to pay Appellants Allottees interest @2% above the highest MCLR of the State Bank of India prevailing at the time of passing the impugned orders w.e.f. the next day of the date of possession as stipulated in the agreements for sale till the date of actual possession within a period of two months from the date of this order failing which further interest at the aforesaid rate shall be payable by Respondent Promoter on the total amount payable on the date of actual possession till the payment of amount as directed".*

This error happened inadvertently, is a bona fide mistake and seeks rectifications of this error by these amendment applications and are intended to correct by rectifying of this error and urged that these applications are allowed in the interest of justice.

4] Learned counsel for the Non-applicant, Adv. Vinod Talreja vehemently opposed by submitting that in Sr. No. 67 to 72, recovery warrants have already been issued and are in the stage of attachments. Therefore, this amendment of the application will lead to further complications including that the 2 different amounts will crop up.

5] Learned counsel for the Non-applicant further submits that it will cause serious prejudice against the Non-applicant if the Misc. Applications are allowed.

7] Perused the impugned order more particularly the para no. 32 (3).

8] Execution proceeding has started for implementation of the underlying impugned order, wherein the entire amount as per the directions given therein are recoverable and these execution applications, are only means to recover those amounts and these applications are only procedural in nature.

9] Any procedural mistake for execution of the fundamental and underlying impugned order is curable and no prejudice will be caused to



anyone.

10] At this stage learned counsel for the Applicant further submits that the Hon'ble Bombay High Court has already dismissed on 10<sup>th</sup> July, 2023, the second appeal filed by the Non-applicant and the copy of the order is yet to be uploaded on the website and undertake that as and when may be available, be placed on record and will be served to the other side.

11] Non-applicant confirmed the dismissal of his second appeal on 10<sup>th</sup> July, 2023.

12] Execution applications are only a means and approach to realize in true amount by execution of the underlying impugned order.

13] In view of above, the Misc. Applications for amendments are allowed.

14] No costs.

15] Stand over to 1<sup>st</sup> September, 2023 for further consideration.

  
(DR. K. SHIVAJI)

  
(SHRIRAM. R. JAGTAP, J.)

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