

**BEFORE MAHARASHTRA REAL ESTATE  
APPELLATE TRIBUNAL MUMBAI**

**22] Appeal No. G-6/2023**

M/s. Sunstar Homes

... Appellant

V/s.

Mahmadarafi J. Hosmani & Anr.

... Respondents

**ALONGWITH  
23] Appeal No. G-8/2023**

M/s. Sunstar Homes

... Appellant

V/s.

Shri. Irappa L. Patil & Anr.

... Respondents

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*Adv. Mr. Anwar Landge for Appellant  
CA Mr. Sagar Teli for Respondents*

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

**DATE : 4<sup>th</sup> January, 2024**

Advocate Mr. Anwar Landge submits that the Appellant has deposited the balance amount towards compliance of proviso to Section 43(5) of RERA and filed compliance report. Advocate Mr. Anwar Landge further submits that Appellant has served the copy of compliance report to the other side.

2] CA Mr. Sagar Teli submits that in these two Appeals the Developer has offered the possession but demanded exorbitant amount. He further submits that Allottees are ready to pay the amount as ordered by the learned Goa Authority to Appellant/ Promoter.

*Sagar Teli*

3] Advocate Mr. Anwar Landge submits that Allottees are liable to pay GST. However, according to CA Mr. Sagar Teli there is no mention of GST in the agreement for sale and therefore they are not liable to pay GST.

4] We are of the view that keeping open the point of GST, Promoter can handover the possession of the subject flat to Allottees and the said GST point will be considered at the time of final hearing. The amount of interest is secured. Therefore, we are of the view that there is no impediment in directing the Appellant to handover the possession of the subject flat by accepting the balance amount from the Allottees as ordered by the learned Authority.

5] CA Mr. Sagar Teli submits that the Allottees are ready to give an undertaking that they will pay applicable GST to Promoter subject decision of this Tribunal. In view of this submission, the Promoter is directed to handover the possession of the subject flats to Allottees after furnishing the undertaking as mentioned above by the Allottees.

6] Stand over to 11<sup>th</sup> March, 2024 for filing reply.

  
(DR. K. SHIVAJI)

MBT/22-23

  
(SHRIRAM. R. JAGTAP)