

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**34] MISC. APPLICATION NO. 714 OF 2022 (Stay)  
IN  
APPEAL NO. G-05 OF 2022**

Shri. Anup Vishram Prabhu Walavalkar

... Appellant

-vs-

Shri. Conrad Ferdinand

...Respondent

*Adv. for Sanket Singh Appellant.*

*Adv. for Rupali Padgulekar Respondent.*

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

**DATE : 08<sup>th</sup> August, 2023**

(THROUGH VIDEO CONFERENCE)

Adv. Sanket Singh for Appellant and Adv. Rupali Padgulekar for Respondent joined the conference.

2] Appeal is listed today for the dismissal, if appellant fails to comply with the proviso to Section 43(5) of 2016.

3] Perused roznama dated 12<sup>th</sup> April, 2023, wherein Appellant was directed to deposit Rs. 5,40,000 along with interest besides the deposit of 50 percent of the amount for penalty as per the impugned order, which has been challenged in the appeal.

4] Perused the order dated 5<sup>th</sup> June, 2023, 4<sup>th</sup> July, 2023 and 1<sup>st</sup> August, 2023. As last chance, one more opportunity was given to the Appellant to fulfill the compliance of proviso on 1<sup>st</sup> August, 2023 and as such Appellant Had sought for one week time to comply with the proviso to Section 43(5) as last chance. The order further shows that in case of non-compliance, appeal will be dismissed for want of compliance.

- 5] Even then, Appellant today has again failed to comply with the earlier order.
- 6] Compliance of the proviso to Section 43(5) is statutorily mandatory, failing which appeal cannot be entertained.
- 7] Accordingly, appeal stands dismissed for want of compliance.
- 8] In view of the dismissal of appeal pending Misc. Application will not survive and stands disposed of.
- 9] No costs.

  
(DR. K. SHIVAJI)

ARP

  
(SHRIRAM. R. JAGTAP, J.)