

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**MISC. APPLICATION NO. 223 OF 2023**  
(To Disclose all Transaction)  
**IN**  
**APPEAL NO. RC-1 OF 2022**

Mukesh Kothari & Ors.

... Appellants

-VS-

Anamika C.H.S. Ltd. & Anr.

... Respondents

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*Mr. Satish Dedia, Advocate for Appellants.*

*Mr. Vikramjit Garewal, Advocate for Respondent No.1.*

*Mr. Nishit Shah, Advocate for Respondent No.2 Aditya Developer.*

*Ms. Chitra Kawalekar, Advocate for Respondent No.3.*

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

**DR. K. SHIVAJI, MEMBER (A)**

**DATE : 29<sup>th</sup> FEBRUARY, 2024**

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

2] Learned counsel for Appellants submits that even though the injunction order of this Tribunal dated 17.08.2022, certain flats have been sold.

3] Learned counsel for Respondent No.1 explicitly confirmed that no such flats have been sold after the injunction order restraining Respondent No.1 from creating 3<sup>rd</sup> party rights in the flats purchased/ booked by Appellants in any manner whatsoever during the pendency of the Appeal.




4] Advocate Mr. Satish Dedia appearing for Appellants submits that the photographs placed on page no.1102 clearly show that cloths are getting dried, and the air conditioners are also seen fitted outside the windows of these large number of flats of the subject building/project. He further confirms that the Appellants are not being permitted to go and visit the flats to check the veracity. Moreover, the captioned Appeal itself will become infructuous if the flats booked by the Appellants are alienated by creating the third party interest and/or if possession of these subject flats are handed over to third party by Respondent No.1.

5] Perusal of the photographs and upon consideration of the submissions made by the learned counsel for parties, we are of the considered view that there will be no impediment if in addition to the order dated 17.08.2022 of this Tribunal, Respondent No.1 is further restrained and directed to not to create any third party interest in regards to the subject flats and the Respondent No.1 will not handover the possessions of any of the subject flats to third parties during the pendency of the Appeal.

6] Stand over to 07<sup>th</sup> May 2024 for final hearing.

7] In view of the provisions of Section 44(4) of the Act of 2016, copy this order will be sent to the parties and MahaRERA.

  
(DR. K. SHIVAJI)

  
(SHRIRAM. R. JAGTAP, J.)