

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**MISC. APPLICATION NO. 58 OF 2024 [Stay]
IN
APPEAL NO. U-01 OF 2024**

Shiv Lithopack Works P. Ltd. & Ors.

... Appellants

-VS-

Dr. Pradeep Arora

... Respondent

*Mr. Masood Shareef, Advocate for Appellants.
Dr. Pradeep Arora, Respondent-in-person.*

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

DATE : 12th MARCH, 2024

(THROUGH VIDEO CONFERENCE)

Learned counsel for Appellants and Respondent-in-person
joined the conference.

2] Appeal has been file by Appellant Promotr against order dated
07th December 2023 passed by MahaRERA, appeal cannot be entertained
without the compliance of the Proviso to Section 43(5) of the Act of 2016.

3] Perused impugned order dated 07th December 2023.

4] Impugned order in para 22(a) clearly imposes penalty of
₹ 1 lakhs under Section 59 for violation of Section 3 of the Act of 2016.



Accordingly, Appellants promoter is directed to deposit the entire amount towards the compliance of the Proviso.

5] Learned counsel appearing for Appellants submits that penalty will not be applicable as imposed in the appeal. However, compliance of the Proviso to Section 43(5) of the Act of 2016 is pre-requisite to entertain the appeal and without compliance, it is statutorily barred to enter into the root of the matter. Accordingly, submissions of Appellants for exemption from the compliance of the Proviso is rejected and appellant promoter is directed to deposit the entire amount, failing which appeal will stand dismissed for want of compliance.

6] Learned counsel for Appellants seek three weeks' time to deposit the entire amount in the Tribunal towards the compliance and serve the copy of compliance report to other side.

7] Stand over to 02nd May 2024 for compliance.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP, J.)