

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**APPEAL NO. AT006000000133963 of 2022**

M/s. Falak Developers & Ors.

... Appellants

-VS-

Mr. Abu Saud Niyaz Ahmed Azmi

... Respondent

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*Adv. Kumar Abhishek for Appellant.  
Adv. Hasan Sayed for Respondent.*

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

**DATE : 30<sup>th</sup> OCTOBER, 2023**

**(THROUGH VIDEO CONFERENCE)**

Learned Adv. Abhishek submits that pursuant to the order dated 20<sup>th</sup> September 2023, Appellants have deposited Rs. 11,92,390/- in compliance with Proviso to Section 43 (5) of RERA.

2. The Appellants have also paid cost of Rs.5000/- to Respondent. Appellants have also filed compliance reports.

3 A perusal of the compliance report would show that the appellants have Deposited Rs. 11,92,390/- in compliance of Proviso to Section 43 (5) of RERA.

4. Appellants are directed to serve of compliance report to other side.

5. Since the appellants have complied with order dated 20<sup>th</sup> September 2023, appeal is restored. Respondent is directed to file reply to

*Jagtap*

appeal.

6. Adv. Abhishek further submits that the Respondent has filed application for execution of impugned order and Ld. Authority has issued warrant for recovery of amount against the appellants. He requests to stay the impugned order.

7. Adv. Hasan Sayed submits that the Respondent has filed application for execution of impugned order and the Ld. Authority has issued warrant of recovery of amount against the appellants.

8. Since the appellants have deposited the amount as ordered by Ld. Authority in compliance of Proviso to Section 43 (5) of RERA, we are of the view that there is no impediment in granting stay to the impugned order till the disposal of the appeal. Accordingly, impugned order is stayed and pursuant there to execution application filed by Respondent is also stayed till the disposal of appeal.

9. Stand over to 16<sup>th</sup> January 2024 for filing reply.

  
(DR. K. SHIVAJI)

  
(SHRIRAM R. JAGTAP)

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