

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

MISC. APPLICATION NO. 169 OF 2022 (Restoration)

IN

APPEAL NO. AT006000000133963

M/s. Falak Developers & 2 Ors.

... Applicants

-VS-

Mr. Abu Saud Niyaz Ahad Azmi

... Non-applicant

*Mr. Jaynandra Navlani i/b. Ms. Aarti Nimbalkar, Advocate for Applicant.
Mr. Chetan Yadav, Advocate for Non-applicant.*

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 20th SEPTEMBER, 2023

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

2] Following have been pronounced today by a separate detailed order:-

ORDER

- (a) *Misc. Application No. 169 of 2023 for restoration of Appeal No. AT006000000133963 by setting aside the order dated 06th February 2023 is allowed, subject to the compliance of the conditions mentioned in the order dated 16th January 2023 passed by this*



Tribunal for payment of Rs. 5000/- directly to non-applicant and also subject to the condition to deposit the entire amount as per order of the MahaRERA along with interest at prescribed rate till the date of the deposits to be made by the applicants towards the compliance of the proviso to Section 43(5) of the Act within 15 days from the date of uploading of this order.

- (b) *Payment of costs and compliance of the Proviso as above are conditions precedent for the condonation of delay and consequently also for the restoration of captioned appeal.*
- (c) *In view of the provisions of Section 44(4) of the Act of 2016, copies of the order shall be sent to the parties and to MahaRERA.*

IN APPEAL NO. AT006000000133963

Stand over to 30th October, 2023 for compliance.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP, J.)