

**BEFORE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL, MUMBAI**

**MISC. APPLICATION NO. 278/2023 (stay)
IN**

30] APPEAL NO. AT006000000134162 OF 2022

Balaji Construction Company

... Appellant

-VS-

Jayantilal Makwana

...Respondent

With

**MISC. APPLICATION NO. 276/2023 (stay)
IN**

31] APPEAL NO. AT006000000134167 OF 2022

Balaji Construction Company

... Appellant

-VS-

Prashant S. Mahajan

...Respondent

With

**MISC. APPLICATION NO. 277/2023 (stay)
IN**

32] APPEAL NO. AT006000000134185 OF 2022

Balaji Construction Company

... Appellant

-VS-

Hetal B. Shah & Anr.

...Respondents

With

**MISC. APPLICATION NO. 273/2023 (stay)
IN**

33] APPEAL NO. AT006000000134186 OF 2022

Balaji Construction Company

... Appellant

-VS-

Shashikumar Mishra & Anr.

...Respondent

With

**MISC. APPLICATION NO. 280/2023 (stay)
IN**

S. J. J. J.

34] APPEAL NO. AT006000000134187 OF 2022

Balaji Construction Company

... Appellant

-VS-

Achala Abhijit Patil

...Respondent

With

MISC. APPLICATION NO. 275/2023 (stay)**IN****35] APPEAL NO. AT006000000134188 OF 2022**

Balaji Construction Company

... Appellant

-VS-

Chintan Mahesh Shah & Anr.

...Respondents

With

MISC. APPLICATION NO. 274/2023 (stay)**IN****36] APPEAL NO. AT006000000134189 OF 2022**

Balaji Construction Company

... Appellant

-VS-

Anjusha Ajit Kadam & Anr.

...Respondents

With

MISC. APPLICATION NO. 279/2023 (stay)**IN****37] APPEAL NO. AT006000000134199 OF 2022**

Balaji Construction Company

... Appellant

-VS-

Vikram B Shah & Anr.

...Respondents

*Adv. Gauraj Shah for Appellant.**Adv. Neha Shah for Respondent in Sr. No.30.**Mr. Prashant Mahajan for party in person.**Adv. Padma Chinta for Respondent in Sr. Nos.32 to 37.***CORAM : SHRI SHRIRAM. R. JAGTAP, MEMBER (J), &****DR. K. SHIVAJI, MEMBER (A)****DATE : 30th NOVEMBER, 2023****(THROUGH VIDEO CONFERENCE)**

1.

Adv. Gauraj Shah submits the being dissatisfied with order


dated 27th October 2023, the appellant has filed writ petition in the Hon'ble High Court and the same is listed for hearing on 8th December 2023 and requests to list the present matters after 08th December 2023 for compliance.

2. Record reveals that despite ample opportunity the appellant has failed to deposit the amount as ordered by this tribunal. It further transpires that Mr. Prashant Mahajan has filed application for execution of the impugned order and same has been stayed by this Tribunal. Considering peculiar circumstances of the case and conduct of the appellant we are of the view that there is no impediment in vacating the stay, accordingly the stay is vacated.

3. Record reveals that the progress of the matter is at stand still because appellant only. Despite ample opportunity the appellant has failed to comply with order passed by this Tribunal. The appellant has failed to deposit the amount as order passed by this Tribunal. However, in order to give fair and reasonable opportunity, last chance is granted subject to cost of Rs.5000/-. The Appellant shall pay cost of Rs.5000/- to each of the allottee in all the matters. Cost is a condition precedent.

4. Stand over to 19th December 2023 for compliance of section 43 (5).


(DR. K. SHIVAJI)


(SHRIRAM R. JAGTAP)