

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**Ex. No. 44/2023
IN**

APPEAL NO. AT006000000042026/19

Mrs. Bijoya Laxmi Gantayat
Through POV Mr. Ajay S. Varekar

... Applicant

-VS-

M/s. ERA Realtors Pvt. Ltd.

... Non-applicant

Mr. Ajay Bamane, Advocate for Applicant.

Mr. Viresh N. Pawar, Advocate for Non-applicant.

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

DATE : 9th OCTOBER, 2023

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

- 2) Adv. Ajay Bamane submits that the order dated 24th Jan. 2023 passed by Tribunal has not been implemented so far, wherein, Non-applicant was specifically directed *inter-alia* to refund the amount along with interest. Applicant has filed application supported by affidavit and placed on record the list of properties of Non-applicant as on page no. 6 of application.
- 3) Adv. Viresh N. Pawar seeks further time for execution of the order.
- 4) As the judgment decree dated 24th Jan. 2023 has already attained finality and it is more than 9 months time have already passed, we

are of the view that there is no impediment in proceedings further for taking coercive steps for satisfaction of judgment decree.

- 5) Non-applicant in person also declined to commit any time period for compliance of the judgment decree.
- 6) Accordingly, Registrar is directed to issue recovery warrant against properties of Non-applicant company as mentioned at page no. 6 in proper proforma following the standard procedure through Collector of suburban district-Mumbai.
- 7) Stand over to 7th Nov. 2023 for compliance and further consideration.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP)

MS/-