

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**(25) MISC. APPLICATION NO. 150 OF 2021 (Amendment)
IN
APPEAL NO. AT005000000042029**

Kumar Sinew Developers Pvt. Ltd.

... Appellant

-VS-

Sunil K. Tiwari

... Respondent

Ms. Shilpi Jain, Advocate for Appellant.

Mr. Anwar Landge, Advocate for Respondent.

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 06th NOVEMBER, 2023

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

2] Learned counsel for Appellant seeks time as the compliance of the Proviso to Section 43(5) has not been completed.

3] Perused.

4] Perusal of record reveals that even way back on 30.06.2021, appellant's request for exemption from compliance of the Proviso has been duly rejected and announced therewith.

5] Perusal of order dated 21.09.2023 also reveals that one more opportunity was also granted for compliance to Appellant. However,



Appellant has failed to comply with the statutory and mandatory requirement of the Proviso to Section 43(5), which is must and *sine qua non* before entertaining the appeal/s.

5] Learned counsel for Appellant once again seeks last opportunity to pre-deposit the amount as per the impugned order.

6] Appellant to comply with the Proviso within one week, subject to cost of ₹ 25,000/- to be paid directly to Respondent within 5 days.

7] Compliance of the payment of cost of ₹ 25,000/- is condition precedent before entertaining the compliance report.

8] Learned counsel for Appellant undertakes to pay cost of ₹ 25,000/- within 5 days and comply with the order therewith.

9] Stand over to 05th December 2023 for compliance.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP, J.)