

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**MISC. APPLICATION NO. 463 OF 2020 (Stay)
IN
APPEAL NO. AT005000000052129**

Ashdan Developers Pvt. Ltd.

... Appellant

-VS-

Manoj Kumar

... Respondent

**MISC. APPLICATION NO. 464 OF 2020 (Stay)
IN
APPEAL NO. AT005000000052136**

Ashdan Developers Pvt. Ltd.

... Appellant

-VS-

Suhas Choudhari

... Respondent

APPEAL NO. AT005000000052161

Ashdan Developers Pvt. Ltd.

... Appellant

-VS-

Arun Philip

... Respondent

Mr. Radhikesh V. Uttarwar, Advocate for Appellant.

Mr. Nilesh Borate, Advocate for Respondents.

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 31st OCTOBER, 2023

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

2]

Learned counsel for Appellant submits that praecipes have



been filed in captioned appeals and submits that compliance of the Proviso to Section 43 (5) of the Act has been satisfactorily complied with and the compliance reports have also been filed and served.

3] Learned counsel for Respondents confirms the compliance of the proviso.

4] Learned counsel for Appellant further submits that based on the Execution Application moved by other side, the Revenue Authority has taken certain coercive steps including for attachment of the project land which may cause avoidable inconvenience to the other allottees and pressed for stay to the impugned order dated 11th November 2019 passed by MahaRERA.

5] Learned counsel for Respondents objected to it by submitting that all the captioned three appeals including other connected appeal, filed by allottees are also listed for final hearing on 30th November, 2023 and it is the promoter who has been seeking time in the recent few hearing dates and as a consequence of that, appeals are not getting finally heard.

6] In the peculiar facts and circumstances of the case, more particularly the Proviso to Section 43(5) of the Act has satisfactorily been complied with by the appellant promoter, we are of the view that there is no impediment in providing the interim relief by granting stay to the execution of the impugned order passed by MahaRERA, on the condition that appellant promoter will not seek any further adjournment for the final




hearing already scheduled on 30.11.2023 and we proceed to pass the order as follows: -

ORAL ORDER

- (a) Execution of the impugned order dated 11th November 2019 passed by MahaRERA is stayed.
- (b) In view of above, Misc. Application Nos. 463/2020 and 464/2020 stands disposed of on above terms.
- (c) Accordingly, praecipes are disposed of.
- (d) No costs.

Stand over to 30th November, 2023 for final hearing along with other connected appeals.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP, J.)