

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

[sr.9] MISC. APPLICATION NO. 79 OF 2023
(U.O. 21 R. 34 r/w. S.57 of RERA Act)
WITH
Ex. No. 6 OF 2022
IN
APPEAL NO. AT006000000052353

Mr. Dev Navin Nisar

... Applicant

-VS-

Vijay Suraksha Realty LLP & Ors.

... Non-applicants

[sr.10] MISC. APPLICATION NO. 80 OF 2023
(U.O. 21 R. 34 r/w. S.57 of RERA Act)
WITH
Ex. No. 7 OF 2022
IN
APPEAL NO. AT006000000052354

Mr. Dev Navin Nisar

... Applicant

-VS-

Vijay Suraksha Realty LLP & Ors.

... Non-applicants

[sr.11] MISC. APPLICATION NO. 81 OF 2023
(U.O. 21 R. 34 r/w. S.57 of RERA Act)
WITH
Ex. No. 8 OF 2022
IN
APPEAL NO. AT006000000052355

Mr. Dev Navin Nisar

... Applicant

-VS-

Vijay Suraksha Realty LLP & Ors.

... Non-applicants



[sr.12] **MISC. APPLICATION NO. 453 OF 2023**
(U.O. 21 R. 34 & 35 CRC r/w. S.57 of RERA Act)
WITH
Ex. No. 15 OF 2022
IN
APPEAL NO. AT006000000053207

Premji B. Verat & Anr.

... Applicants

-VS-

Vijay Suraksha Realty LLP & Ors.

... Non-applicants

Mr. Jairam Chandnani, Advocate for Applicants.

Mr. M. J. Bhat, Advocate for Non-applicant No.1.

None for Non-applicant Nos.2 and 3.

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 11th OCTOBER, 2023

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

2] Advocate M. J. Bhat submits that the subject flat has already received the Occupation Certificate and the amount required to be deposited should be as per the allotment letter. He further submits that the matter be adjourned because the Second Appeal is pending before the Hon'ble Bombay High Court.

3] Learned counsel for parties confirms that even though the matter is pending before the Hon'ble High Court, there is no stay as of now.

4] Accordingly, the contentions of learned counsel for non-applicants that the matter for execution of the judgment decree dated 20.12.2021 be delayed or adjourned is legally not maintainable. Hence,



contention of non-applicants is rejected.

5] Advocate Mr. M. J Bhatt further submits that execution of judgment decree will cause prejudice against non-applicants and seeks further time.

6] Perused.

7] Judgment decree under execution is of December 2021, which is roughly two years back. Whereas "the Act of 2016" provides for expeditious redressal of the grievances of the parties. Accordingly, this contention of learned counsel for non-applicants will also not survive and is legally not sustainable. Hence, it is rejected.

8] Heard learned counsel for parties in sr. nos. 9, 10 and 11.

9] Learned counsel for non-applicants seeks time as the records of sr. no. 12 is not available with him.

10] In the course of the submissions by the parties, certain documents including orders passed by MahaRERA in relation to the alleged third-party rights created on the subject flat, have not been placed on record.

11] Learned counsel for applicants seeks time to place these documents on record.

12] Liberty as prayed for is granted and serve a copy to other side.

13] In view of above, stand over to 03rd November 2023 for production of documents in sr. nos. 9, 10 and 11 and for arguments and submissions of parties in sr. no.12.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP, J.)