

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**26] MISC. APPLICATION NO. 918 OF 2022 (Dismissal)
IN
APPEAL NO. AT005000000052662 of 2020**

Vedant Estate & Properties.

... Appellant

-VS-

Poonam Mewalal Gupta

... Respondent

None for Appellant.

Adv. Mr. Nilesh Borate for Respondent.

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

DATE : 06th SEPTEMBER, 2023

(THROUGH VIDEO CONFERENCE)

ORAL ORDER

None for the Appellant, Adv. Nilesh Borate learned counsel for the Respondent joined the conference and submits that Appellant has not been appearing for the last consecutive hearing dates on one pretext or other. Perused roznama dated 21.03.2023, 21.06.2023 and 01.08.2023. In all these three dates, no one have been appeared on behalf of the Appellant. Despite providing him ample opportunities. Notice was also issued to him.

Appeal no.005000000052662 was dismissed on 18th March 2021 for want of compliance of the statutory and mandatory requirements for the Appellant/Promoter to fulfil the proviso to Section 43(5) of the Act of 2016. Based on the order of the Hon'ble High Court and on condition that Appellant will fulfil the complete compliance of the requirement of the

proviso, the appeal was restored to the file.

However, Respondent has filed a Misc. Application no. 918/22 seeking dismissal of the appeal on the ground that Appellant has fulfilled only a part compliance of the proviso and in view of the provisions of the Act, full compliance is prerequisite to entertain the appeal. According to learned Advocate for the Respondent, Appellant has only partly complied with the proviso. Whereas, the requirement as per the order passed by the Hon'ble High Court, complete compliance of the proviso need to be completed. Learned counsel for Respondent further submits that the compliance of the proviso is not complete and according to provisions of the Act the appeal cannot be entertained and appeal deserves to be dismissed on this ground also.

Perusal of the record makes it clear that the Appellant has been provided with sufficient and ample opportunities. However, despite all the opportunities, Appellant has failed to appear and appeal is at stand still for want of appearance of the Appellant. In view of the above, captioned appeal stands dismissed for want of appearance.

In view of disposal of appeal as above, pending Misc. Applications will not survive. Hence, stands disposed of.

No costs.


(DR. K. SHIVAJI)

ARP


(S. R. JAGTAP)