

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**MISC. APPLICATION NO. 362 OF 2023 (Stay)  
IN**

**APPEAL NO. AT006000000052947**

Vinay Agrawal

... Appellant

-VS-

Noorjahan B. Qureshi & Anr.

... Respondents

*Ms. Ritika Agarwal a/w. Mr. Sandesh Salunkhe, Advocate for Appellant.  
C.A Mr. Rajesh Moondra for Respondents.*

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

**DR. K. SHIVAJI, MEMBER (A)**

**DATE : 27<sup>th</sup> SEPTEMBER, 2023**

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

**MISC. APPLICATION NO. 362 OF 2023**

Learned counsel for Appellant submits that Appellant is challenging order dated 22.12.2020. In pursuance to this order, MahaRERA has passed order in Non-execution dated 06.05.2022 wherein, penalty of Rs. 5000/- per day for every day of default till the actual compliance of the said order was imposed on Appellant.

*"Para 8(c) Failing which it shall be liable to pay penalty of Rs. 5,000/- per day for every day of default till actual compliance of the said order. The*

*said penalty amount will get doubled per day after every month."*

2] Learned counsel for Appellant further submits that this order of MahaRERA dated 06.05.2022 in Non-execution was passed *ex-parte* despite the caveat was filed well before that date and Appellant came to know about the passing of this order only on 17.03.2023 after the receipt of e-mail in this context.

3] Learned counsel for Appellant submits that in pursuance to the order of the Hon'ble Bombay High Court dated 04.03.2023, appellant has already deposited 100 percent of the judgment decree amount as per MahaRERA order dated 22.12.2020, under challenge in the appeal. Accordingly, learned counsel urged that the order passed by MahaRERA dated 22.12.2020 and further execution order dated 06.05.2022 be stayed in view of the fact that the interest of Allottee is fully secured by the deposits of the 100 percent of the amount in the Tribunal towards the compliance of the Proviso to Section 43(5) of the Act of 2016.

4] Learned C.A for Respondents upon instruction submits that Respondent has no objection to stay the penalty amount as ordered by MahaRERA in para 8(c) of the order dated 06.05.2022.

5] In view of above and in the light of the fact that the interest of the Allottee is fully secured on account of the 100 percent deposits of the impugned order dated 22.12.2020 and in view of the "no objection"



of Respondents, the impugned order dated 22.12.2020 and subsequent execution order dated 06.05.2022 thereof, is stayed until the disposal of appeal.

**IN APPEAL NO. AT006000000052947**

Appearance same.

- 2] Both appeal sets are not properly paginated.
- 3] Parties to complete the pagination within two weeks.
- 4] Stand over to 12<sup>th</sup> December, 2023 for final hearing.

  
(DR. K. SHIVAJI)

  
(SHRIRAM R. JAGTAP, J.)