

**BEFORE THE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL, MUMBAI**

APPEAL NO. AT005000000010496 OF 2018

Mr. Nayan Nanasaheb Gandhi

... Appellant

-VS-

M/s. Kolte Patil Real Estate Pvt. Ltd. & Ors.

... Respondents

WITH

APPEAL NO. AT005000000010497 of 2018

Mr. Nayan Nanasaheb Gandhi

... Appellant

-VS-

M/s. Kolte Patil Real Estate Pvt. Ltd. & Ors.

... Respondents

Adv. Makarand Adkar, for Appellants.

Adv. Ranbir Singh, for Respondents.

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

DATE : 7th September, 2023.

(THROUGH VIDEO CONFERENCING)

Both parties have filed written submissions and exchanged copies thereof to each other.

2. Adv. Makarand Adkar submits he has filed application for adjournment on the ground that the promoter has placed reliance on the judgment of Hon'ble Bombay High Court passed in Microteach Developers Limited and the same has been challenged by the concern party to the Hon'ble Supreme Court and matter is now sub judice before the Hon'ble

Supreme court.

Syed

3. He further submits that the final hearing will be taken on 21st September 2023 by the Hon'ble Supreme court in the said matter. He requests to keep matters in abeyance till the final disposal of SLP pending before the Hon'ble Supreme court.


4. Per contra Adv. Ranbir Singh has stiff objection to this submission on the ground that the parties have already filed written submissions and the matters are ripped at stage of final hearing.

5. He further submits that the law relating to the matter in issue has been settled by the Hon'ble Bombay high court. Therefore, there is no need to keep the matters in abeyance as prayed by appellant. Considering peculiar circumstances of the case and submissions advanced by the respective parties, we are of the view that the appeals cannot be kept in abeyance. However, appeals are adjourned.

6. Stand over to 31st October 2023 for final hearing.


(DR. K. SHIVAJI)

vdk


(SHRIRAM. R. JAGTAP, J)