

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

Ex. No. 11/23

IN

APPEAL NO. AT006000000021218/19

Dr. Alok Chaturvedi

... Applicant

-VS-

Man Global Ltd.

... Non-applicant

Ms. Pooja Gaikwad, Advocate for Applicant.

Mr. Vinod Talreja, Advocate for Non-applicant.

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 6th NOVEMBER, 2023

(CORRIGENDUM)

After uploading the order dated 31st Oct. 2023, it has been noticed that there is inadvertent error by not specifying the next date of hearing, which was already pronounced in the open court and was also recorded in the office copy. Accordingly, para no. 7 is being added as hereunder: -

"7) Stand over to 16th Jan. 2024 for compliance and further consideration."

Necessary corrections shall be carried out accordingly.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP)

MS/-

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DATE : 31st OCTOBER, 2023

(THROUGH VIDEO CONFERENCE)

(This order is corrected as per corrigendum dated 6th Nov. 2023)

Learned counsel for parties confirm that the second appeal filed by Promoter in the Hon'ble Bombay High Court has already been dismissed.

- 2) Adv. Pooja Gaikwad submits that she has already filed the details of movable and immovable properties including the bank account number of the Non-applicant. She further confirms that nothing has been paid till now even after passing of the judgment decree on 22nd Dec. 2022.
- 3) Adv. Vinod Talreja even today has not committed to pay even the partial amount or within any time frame for the compliance of the order except that the Non-applicant is exploring the possibility of filing SLP before the Hon'ble Supreme Court.
- 4) At the same time, learned counsel for parties confirm that at present, there is no proceeding pending before any forum. Considering the peculiar facts and circumstances of the case and lack of willingness to comply with the judgment decree on the part

lack of willingness to comply with the judgment decree on the part of the Non-applicant, it will be fit and appropriate that the immediate coercive step is warranted.

- 5) Adv. Vinod Talreja submits that the application filed by Applicant relating to the bank account's details have not been served to him. However, in accordance with the law, it is incumbent upon the Non-applicant itself to comply with the judgment decree and also to submit the list of movable and immovable properties for taking further steps by Executing Authority. However, Non-applicant appears to be prima facie unwilling to take any steps towards the compliance of the judgment decree. Therefore, it is a case of willful non-compliance, despite having sufficient means/resources.
- 6) Accordingly, Ld. Registrar to issue recovery warrant and freeze the bank account of Non-applicant by following the standard procedure and in prescribed format, as per the details have already been filed by Applicant on page nos. 33 and 34.

Sd/-

(DR. K. SHIVAJI)


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(SHRIRAM. R. JAGTAP)

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