

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**1] M.A. NO. 1051 OF 2022(Delay)
WITH
M.A. NO. 1052 OF 2022(Stay)
IN
APPEAL NO. G-24 of 2022**

M/s. Umiya Holding Pvt. Ltd. & Anr.

... Appellants

-VS-

Mr. Arman Bankley & Anr.

... Respondents

**ALONG WITH
2] M.A. NO. 1053 OF 2022(Delay)
WITH
M.A. NO. 1054 OF 2022(Stay)
IN
APPEAL NO. G-25 of 2022**

M/s. Umiya Holding Pvt. Ltd. & Anr.

... Appellants

-VS-

Mr. Jitendra K. Agrawal

... Respondent

**ALONG WITH
3] M.A. NO. 1055 OF 2022(Delay)
WITH
M.A. NO. 1056 OF 2022(Stay)
IN
APPEAL NO. G-26 of 2022**

M/s. Umiya Holding Pvt. Ltd. & Anr.

... Appellants

-VS-

Mr. Manish V. Gosalia & Anr.

... Respondents

Adv. Anwar Landge for Applicants.

Adv. Ms. Sapna Mordekar for Non-applicants.

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 19th OCTOBER, 2023

(THROUGH VIDEO CONFERENCE)

S. Jagtap

We have heard learned counsel appearing for respective parties. Learned counsel Mr. Anwar Landge submits that appellant is ready to comply with the order to the extent of execution of sale deed of the commercial shop. However, the allottees/respondent has shared his agreement for sale and the ingredients of the draft of sale deed shared by allottee are not agreeable to the appellant. He further submits that appellant has also shared draft of sale deed to other side. Considering the facts and circumstances of the case, we are of the view that executing court to decide the controversy between the parties with regard to the ingredients/recitals of the sale deed. It is significant to note that learned Adv. Anwar Landge has submitted that appellant is ready to execute sale deed. Therefore, we are of the view that there is no point in staying the impugned order to the extent of execution of sale deed.

Learned Adv. Anwar Landge has submitted that there may be 30 to 40 commercial units in subject project out of only 4 units have been sold. He further submits that appellant has executed agreement for sale with one of the allottees. Since many of the units are yet to be sold and therefore question of formation of society does not arise. We do find substance in the said submissions. Therefore, we are of the view that impugned order can be stayed to the extent of formation of society. We have already stayed the impugned order to the extent of penalty of Rs. 1 lakh. We make it clear that the impugned order is stayed to the extent of formation of society and penalty.

Stand over to 2nd November 2023 for reply and hearing on Misc. Application for condonation of delay.


(DR. K. SHIVAJI)

ARP


(SHRIRAM. R. JAGTAP)