

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**M.A. No. 762/22 (Stay)  
WITH  
M. A. NO. 603/23 (Waiver)  
IN  
APPEAL NO. U-7/2022**

Abhijit Realtors & Infraventures Pvt. Ltd. ... Applicant

-VS-

The Jayanti Nagari III, Flats &  
Row Houses Owners CHS Ltd. ... Non-applicant

**APPEAL NO. U-19/2022**

The Jayanti Nagari III, Flats &  
Row Houses Owners CHS Ltd. ... Appellant

-VS-

Abhijit Realtors & Infraventures Pvt. Ltd. ... Respondent  
*Mr. Tejal Thombre Advocate for Applicant in sr. no. 8 and Respondent in  
sr. no. 9.  
None for Non-applicant in sr. no. 8 and Appellant in sr. no. 9.*

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

**DATE : 3<sup>rd</sup> OCTOBER, 2023**

**(THROUGH VIDEO CONFERENCE)**

Mr. Tejal Thombre Advocate for Applicant in sr. no. 8 and  
Respondent in sr. no. 9 joined the conference. None for Non-  
applicant in sr. no. 8 and Appellant in sr. no. 9.

- 2) Adv. Tejal Thombre submits that Misc. Application no. 603/2023 has  
already been filed and served to other side. Wherein, Applicant is



seeking waiver of the pre-deposit towards the compliance of the provision to the section 43(5) of the Act, 2016.

- 3) Adv. Tejal Thombre further submits that subject project under dispute has already got full occupation certificate on 20<sup>th</sup> Mar. 2013 itself from concerned Panchayat, and thereby the project was full and complete in all respect and the subject flats were also handed over to Allottees during the year of 2013 itself.
- 4) Adv. Tejal Thombre further submits that the Promoter is not liable to pre-deposit towards the compliance of the provision to section 43(5) of the Act, 2016 and seeks waiver and seeks short time to place additional documents/submission to prove that Panchayat is the competent authority to issue occupation certificate under relevant Act.
- 5) Reply from the other side is not received.
- 6) Liberty to Appellant to file additional reply and to circulate the same to other side.
- 7) Stand over to 7<sup>th</sup> Nov. 2023 for reply and hearing on Misc. Application no. 603/2023.

  
(DR. K. SHIVAJI)

  
(SHRIRAM. R. JAGTAP)