

**MAHARASHTRA REAL ESTATE APPELLATE
TRIBUNAL UNDER RERA ACT**

(11)

AT00600000010357

ITMC Developer Pvt.Ltd. .. Appellants

Vs.

Radha Arakkal and Josraj Arakkal..
Respondents

CORAM :Hon'ble Shri K. U. CHANDIWAL, J.
President, Maharashtra Revenue Tribunal, Mumbai
& I/c. Maharashtra Real Estate Appellate Tribunal
under Maharashtra RERA Act
DATED:-6th September, 2018

-: ORDER :-

Called out at 3.20 PM.

Adv. Abhay Arora for Appellant

Respondents Radha and Josraj Arakkal present.

An application is moved on behalf of Appellant / Promoter seeking extension of time to comply order dtd. 9th August, 2018 in terms of Section 43(5)- Proviso of RERA.

The order of this Tribunal dtd. 9th August, 2018 is explicit requiring the Promoter to deposit 50% of the amount pursuant dated 11.4.2018 of Ld. Member and Adjudicating Officer, MahaRERA, Mumbai upto 5th September, 2018. Thus there was no ambiguity requiring any clarification to the Appellant as to what is the amount or whether it should be considered as penalty amount and how much amount the Promoter should deposit and in whose favour the amount is to be transferred.

The excuses raised by the Promoter are in the letter dtd. 23rd August, 2018 and again by

letter September 6, 2018 i.e today the script of order referred to above being quite clear the lame excuses sought by the Promoter need not be further encouraged.

Consequently, for no ⁱⁿ compliance of mandate required under Section 43(5) the outcome could be dismissal of appeal and the appeal is accordingly dismissed.

No costs.



Place: Mumbai (K. U. CHANDIWAL, J.)
Dated: 6th September, 2018 President,
Maharashtra Revenue Tribunal,
Mumbai
& I/c. Maharashtra Real Estate
Appellate Tribunal, (MahaRERA),
Mumbai