

**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. 9<sup>th</sup> August, 2018 in terms of Section 43(5)- Proviso of RERA.

The order of this Tribunal dtd. 9<sup>th</sup> 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 5<sup>th</sup> 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. 23<sup>rd</sup> 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 non-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: 6<sup>th</sup> September, 2018 President,  
Maharashtra Revenue Tribunal,  
Mumbai  
& I/c. Maharashtra Real Estate  
Appellate Tribunal, (MahaRERA),  
Mumbai