

**MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL,
MUMBAI.**

MA No. 296/19 (Delay)
AT00600000031617

M/s. SSS Escatics Pvt. Ltd. .. Appellant
V/s.
Mr. Kishore Hassanandani & Anr. .. Respondents

None for appellant.

*Mr. Arvind Giriraj a/w Mr. Kaustubh Patil i/b Mr. Hardik
Desai, Advocates for respondents.*

**CORAM : SUMANT KOLHE, MEMBER (J)
S.S. SANDHU, MEMBER (A).**

DATE : 28th JANUARY, 2020.

Appellant is absent. On the last date also he was absent.

Appellant being the promotor has not complied the statutory and mandatory proviso to Section 43(5) of the RER Act, 2016 by depositing 40% amount as per the order dtd. 28.11.2019 passed by the Tribunal. Sufficient time is given to appellant to make the compliance.

The order for depositing the amount was passed in presence of appellant on 28.11.2019 and more than sufficient time was given to him till 07.01.2020 to make compliance.

Appellant again sought time and in the interest of justice matter was kept on 14.01.2020 for compliance. However, neither appellant appeared on 14.01.2020 nor he made compliance of the order dtd. 28.11.2019.

Unless compliance of the proviso to Section 43(5) of the RER Act, 2016 is made which is statutory and mandatory requirement for entertaining the appeal, the present appeal cannot be entertained.

In view of the above, we dismiss appeal for non-compliance of the proviso to Section 43(5) of the RER Act, 2016 and pass the following order.

ORDER :

- i. Appeal No. AT00600000031617 is dismissed for non-compliance of the proviso to Section 43(5) of the RER Act, 2016.
- ii. No order as to costs.


(S. S. SANDHU)

M(J)/kdp/29


(SUMANT KOLHE)