

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

(30)

AT006000000010396

S.R. Shah Vala Associates .. Appellants
V/s.
Sunil Fulkar .. 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 3.50 PM.

Adv. Sanjay Chaturvedi for Appellant.

Respondent Sunil Fulkar present.

Arising out of same Order dated 14th February, 2018 of the Ld. Adjudicating Officer, MahaRERA, Mumbai, Appeal No. AT000600000000217 was preferred before this Tribunal on 19th April, 2018. Thereafter on 19th April 2018 payments in terms of Section 43(5) – Proviso of RERA was expected and it was extended dated 25th 2018 it was not adhered to. The matter was taken up on 2nd May, 2018 and the appeal was disposed off on two counts :

- 1) Non compliance of payment in terms of Section 43(5) – Proviso of RERA
- 2) Intention of the Appellant to withdraw the Appeal.

The Respondent says on filing execution warrant against the Appellant / Promoter is issued.



In the aforesaid situation, once the Appeal is disposed off, it is legally impermissible for the Appellant to re-agitate the issue by filing fresh appeal. Law does not contemplate such eventuality. Even if this is referred in the appeal in paragraph 4 however that by itself will not provide an excuse to entertain the appeal.

Consequently without further reference, the appeal is dismissed.

The Promoter / Appellant to pay cost of Rs.15,000/- to the Respondent Sunil Fulkar for dragging him again by filing frivolous appeal



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