

**BEFORE THE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL, MUMBAI**

Misc. Application No. 450/19(Stay)

In

AT006000000021137

M/s. Siddhitech Homes Pvt. Ltd.Appellant.

Versus

Mr. Karanveer Singh Sachdev & Anr. ... Respondents.

*(Mr. Subit Chakravarti, Advocate for appellant
Smt. Iram Memon Advocate for respondents)*

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

DATE : **17TH JANUARY, 2020**

Learned counsel for respondents is filing reply to the stay application and appeal in three sets in the office in the course of the day.

She has just served copy to appellant.

Liberty is given to appellant to file re-joinder to the reply of appeal on or before next date.

Appellant shall serve advance copy to respondent.

Stand adjourned for hearing at 3 P.M.

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Later on at 3 P.M.

Order below Misc. Application No. 450/19(Stay)

Read application for stay.

Perused say filed by respondent. Heard Learned Counsel for both the sides.

The impugned order pertains to recovery of interest amount for delivery of delayed possession. Appellant has challenged the said order in this appeal. Admittedly respondent has filed execution proceedings. Pursuant to order therein, the Collector has already issued notice to appellant of which the copy is produced on record. It is the apprehension of appellant that if impugned order is executed, appeal may become infructuous.


On the other hand, Learned Counsel for respondent submits that if at all the request for stay is to be considered, the appellant should be restrained from creating third party interest in respect of seven flats which are the subject matter of this appeal. Considering the submissions of both the sides, we are of the opinion that it is just and proper to stay the operation of impugned order and at the same time to restrain appellant from creating third party interest in respect of seven flats till final decision of appeal. Hence, we pass the following order.

Order.

Misc. Application No.450/2019 is allowed as under:

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- i) Execution and operation of impugned order dated 5th December, 2018 passed by the MahaRERA in complaint No.CC006000000023368 of 2018 is stayed till the decision of this appeal.
- ii) appellant is restrained from crating third party interest in respect of seven flats which are the subject matter of the appeal till decision of appeal.
- iii) Appellant is at liberty to inform the Collector regarding this order.
- iv) No order as to costs.
- v) Stand over to 25.02.2020 for further consideration as above.


(S. S. SANDHU)
Kdp/ M(J)/22


(SUMANT KOLHE)