

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

(5)

No.AT005000000000312

Darode Jog Homes Pvt. Ltd.

.. Appellant/s

V/s.

1. Pravin Uttam Hiwale

2. Anand Popatlal Mutha

..Respondent/s

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:-9th October, 2018

:- ORDER :-


Called out at 3.25 PM.

1. This is Promoter's appeal. Both the allottees Pravin and Anand present. It is informed that on 11th October 2017 final order is recorded by Ld. Member and Adjudicating Officer, MahaRERA, Mumbai.
2. The grievance is, inspite of such order the Promoter has failed to adhere the terms / directions.
3. The Promoter has preferred appeal but conveniently inspite of communication did not tender hard copy of appeal memo though was specifically directed. On earlier two occasions, notice was issued to the Promoter to remain present. In the absence of Promoter, preliminary orders concerning compliance of sec. 43(5) – Proviso of RERA also could not be passed. The slackness on the part of Promoter to honour the order dt. 11.10.2017 virtually after a year is writ large. No case of any



concession to the promoter / appellant.
Consequently the appeal of the appellant fails.
It is accordingly dismissed.

4. There is no impediment for the allottees to prosecute their remedies before the Member and Adjudicating Officer, MahaRERA Mumbai in furtherance of order dated 11th October, 2017.



Place: Mumbai
Dated: 9th October, 2018
(K. U. CHANDIWAL, J.)
President,
Maharashtra Revenue Tribunal,
Mumbai
& I/c. Maharashtra Real Estate
Appellate Tribunal, (MahaRERA),
Mumbai