

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

(4)

No.AT006000000000255

Sanjay Shreenath Pandey

.. Appellant/s

V/s.

Mr. Ashok Vishe & 55 Ors.

..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:-8th August, 2018

:- ORDER :-

Called out at 3.30 PM

Adv. Sandeep R.Mishra for the Appellant / Promoter

Ashok Vishe & other 55 Allottees present.

After hearing Mr. Mishra and for some time Shri Ashok Vishe, on 24th May, 2018, the Appellant / Promoter was directed to release payments ~~in favour of respective allottees~~ in terms of Sec. 43 (5) - Proviso of RERA Act, in tune with the order under challenge dated March 9, 2018, the Appellant was extended time for compliance till 25th June, 2018. It was specifically indicated "Failure to deposit / comply, the appeal shall be summarily dismissed." So the message to the Appellant was quite clear. He did not meet with the requisition within the time frame. Even the extended time till this date has not been positively honoured by the Promoter / Appellant. No application of any nature was made in between highlighting the financial crunch if any of the Promoter / Appellant. Today Mr. Mishra says that the amount involved of releasing is around Rs.50 Lakhs and difficult for the Promoter / Appellant to arrange it.

These submissions of Mr. Mishra will not generate any concession in favour of the Appellant as the mandatory provisions of the statute cannot be permitted to be

obliterated to the benefit of a party who is intending to drag the proceeding.

Since the orders are not complied, the appeal is dismissed. No costs.



Place: Mumbai (K. U. CHANDIWAL, J.)
Dated: 8th August, 2018 President,
Maharashtra Revenue Tribunal,
Mumbai
& I/c. Maharashtra Real Estate
Appellate Tribunal, (MahaRERA),
Mumbai