

MAHARASHTRA REAL ESTATE APPELLATE  
TRIBUNAL UNDER RERA ACT

(36)  
No.AT006000000010334

Vijay Kamal Properties Pvt. Ltd. .. Appellant/s

V/s.

1. Satish Buba Shetty  
2. Mrs. Prema Satish Shetty ..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:-16th October, 2018

-: ORDER :-

Called out at 3.40 PM.

Adv. Hima holding for Makarand V. Raut for the  
Appellants.

Adv. Vikrant Jhunjharrao appears for respondent /  
allottee.

On 21<sup>st</sup> August 2018, the appellant / promoter was  
directed to deposit 50% of amount with interest in  
favour of allottee / complainant upto 9<sup>th</sup> October, 2018.  
Indeed the parties desired to resolve the controversy  
amicably. The matter was adjourned to 10<sup>th</sup> October,  
2018 and the effect of order dated 13<sup>th</sup> March 2018  
of Ld. Adjudicating Officer, MahaRERA, Mumbai of  
daily penalty was stayed.

It is a matter of record of non compliance of Section  
43(5)- Proviso by the promoter.

The grievance of the promoter is facing financial  
difficulty.

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Since the mandate indicated in Section 43(5)- Proviso of RERA and direction dtd. 21<sup>st</sup> August, 2018 are not adhered to in its letter and spirit the appeal cannot be heard.

Sufficient time was extended to the Appellant to comply with the order. No further extension can be given. In the result, the Appeal of the promoter is dismissed for want of compliance.

No costs.



Place: Mumbai (K. U. CHANDIWAL, J.)  
Dated: 16th October, 2018 President,  
Maharashtra Revenue Tribunal,  
Mumbai  
& I/c. Maharashtra Real Estate  
Appellate Tribunal, (MahaRERA),  
Mumbai