

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

**(21)-26)**

**No.AT005000000000079**

M/s.Marvel Promoters & Developers .. Appellants

V/s.

Shri Abhijit Agashe .. Respondent

**(22)**

**No.AT005000000000081**

M/s.Marvel Promoters & Developers .. Appellants

V/s.

Sayali Vivek Mahajan  
Vivek Damodar Mahajan .. Respondent

**(23)**

**No.AT0050000000000122**

M/s.Marvel Promoters & Developers .. Appellants

V/s.

Shri Rythem Hemade .. Respondent

**(24)**

**No.AT0050000000000127**

M/s.Marvel Promoters & Developers .. Appellants

V/s.

Shri Hemant Wadhwani .. Respondent



**(25)**

**No.AT005000000000258**

M/s.Marvel Promoters & Developers .. Appellants

V/s.

Mohini Parag Pandharipande & Ors .. Respondent

**(26)**

**No.AT005000000000271**

M/s.Marvel Promoters & Developers .. Appellants

V/s.

Shri Rustom Phiroze Mehta .. Appellant

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 3.25 PM.

Advocate Pramod Kutkar for Appellant. His  
Vakalatnama is given.

Respondents Abhijit Agashe, Sayali Mahajan  
present.

Adv. Karan Parmar for Respondent Mohini and  
Mohit Pandharipande

Adv. Bhagyashree Dalvi for Runal Developers

Adv. Ranjit Agashe appears for Rustom Mehta.



The  
In each of the appeal, the Ld. Advocate for the Promoter/ Appellant says feeling aggrieved by Order of this Tribunal refusing to entertain Waiver Application dated 23<sup>rd</sup> May, 2018 Writ Petition No. 17734 of 2018 is preferred in Hon. High Court of Mumbai which is not listed on Board.

Shri Ranjit Agashe informs he approached the Hon. Lordship informing inaction on the part of the Appellant and surprisingly it transpired that requisitions of submitted ~~by~~ two sets of appeals, the Promoter clandestinely filed one set of appeal papers and ensured that the matters are not listed on Board. The Writ Petitions according to Mr. Agashe are under objection.

prohibition  
The order dated 23<sup>rd</sup> May, 2018, provided time to the Appellant / Promoter upto 28<sup>th</sup> June 2018, keeping in view the summer vacation and further time was extended. The Promoter / Appellant did not take steps in given time to ensure proper stay of the order dated 23<sup>rd</sup> May, 2018. Three months have passed from the order dated 23<sup>rd</sup> May, 2018 still the Appellant has the audacity to seek further extension which is beyond comprehension. There was no injunction / permission to the Promoter to take appropriate steps as ~~an~~ compliance under Section 43(5) - Proviso of RERA was specifically indicated to be mandatory and failure to comply the appeal shall be summarily dismissed.

The respective Respondents have attributed lethargy on the part of Promoter and deliberate protraction. The Ld. Advocate Parmar has urged to reject the appeal for non compliance of directions dated 23<sup>rd</sup> May, 2018.

Taking survey of above facts the application for extension of 10 days is merely an eyewash and hence cannot be entertained. Consequently, the appeals are dismissed for want of compliance to mandatory provisions under Section 43(5) - Proviso of RERA.

RM



The Appeals are accordingly dismissed.

No costs.



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

S.A. M.

ndent