

**MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL**

**APPEAL NO. AT00600000010547**

**M/s. S.N Builders.**

) ... Appellant/s.

**Vs.**

**M/r. Santosh Dubey**

)... Respondents

**CORAM : SUMANT M. KOLHE,(Member J.)**

**DATE : JANUARY 31, 2019.**

**Appeal Under Section 44 of RERA ACT 2016.**

**ORDER**

1. Appellant is not present inspite of notices are issued and served to him for appearance as well as compliance of the order of this tribunal of depositing 40% amount as directed by Ld. Adjudicating officer as per order dated 20/06/2018. In fact time was already given up to 21-12-2018 for depositing the amount with the office of MahaRERA by passing order to that effect by this tribunal on 06-12-2018.
2. On Last date also Appellant was absent. However, in the interest of justice notice was reissued to the Appellant with a direction to comply the order regarding deposit of the amount till today.
3. In the first Session appellant was absent. In second Session also the matter was called at 5.00 p.m. and Appellant was absent. It appears that Appellant is not interested in proceeding with the matter by making mandatory compliance of Section 43 Sub-section 5 of RERA Act 2016. The Appellant is a promoter. Unless Appellant makes compliance of order regarding deposit of the amount, in view of proviso of Section 43 (5) of RERA Act 2016, the App<sup>el</sup> cannot be heard. Today I have no reason to adjourn the matter as sufficient opportunity is already given to the Appellant. So I pass the following order.

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**ORDER**

1. Appeal No. AT006000000010547 stands disposed of for non-compliance of proviso of Section 43 (5) of RERA Act, 2016 regarding depositing 40% amount with MahaRERA as per the order of adjudicating officer dated 20.06.2018.
2. No order as to costs.

**31-1-2019**

*Ujelle 31-1-19.*  
**(SUMANT M. KOLHE)**  
**JUDICIAL MEMBER,**  
**Maharashtra Real Estate**  
**Appellate Tribunal, (MahaRERA)**  
**Mumbai.**