

**BEFORE THE MAHARASHTRA REAL ESTATE  
APPELLATE TRIBUNAL, MUMBAI**

**Appeal No. AT003000000010851**

M/s. Shree Narhari Builders and Developers

a registered partnership firm

having its office at Shahnoorwadi,

Aurangabad, through its partners

1. Anil s/o. Vishwanath Sonawane

2. Praful s/o Mulchandji Brahmecha

.. Appellant

Versus

Dinesh s/o Badri Rathod

Bormali Nagad, Kanned,

Aurangabad.

.. Respondent

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*Shri Nitin S. Chaudhary b/f Adv. Kedar Deshpande, Advocate for Appellant.  
Shri A.M. Mamidwar, Advocate for Respondent.*

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**CORAM : INDIRA JAIN J.,CHAIRPERSON  
SUMANT KOLHE, MEMBER (J)  
S.S. SANDHU, MEMBER(A)**

**DATE : 12<sup>th</sup> JUNE, 2019.**

**JUDGMENT (PER : INDIRA JAIN, J,)**

Heard Learned Counsel for the parties.

2. Appellant being Promoter was directed to deposit 30% amount as mandated under Proviso of Section 43(5) of the RER Act, 2016 on or before 12.04.2019 by this Tribunal vide order dated 5.3.2019. On 12.04.2019, Promoter sought time and prayed for extension for depositing the amount. In the interest of justice and as a last chance, the time was extended till 30.04.2019 mentioning specifically that failure to deposit the amount will result in dismissal of the appeal.
3. Thereafter, till today Promoter has failed to make compliance of the order though sufficient time and opportunity is given to the Promoter.
4. In the result, Appeal No. AT003000000010851 cannot be entertained and heard for non-compliance of Proviso of Section 43(5) of RER Act, 2016 and therefore the appeal stands dismissed.
5. No order as to costs.

  
(S.S. SANDHU)

  
(SUMANT KOLHE)

  
(INDIRA JAIN J)