

**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 21st August 2018, the appellant / promoter was
directed to deposit 50% of amount with interest in
favour of allottee / complaint upto 9th October, 2018.
Indeed the parties desired to resolve the controversy
amicably. The matter was adjourned to 10th October,
2018 and the effect of order dated 13th 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.

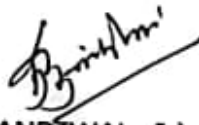
The grievance of the promoter is facing financial
difficulty.



Since the mandate indicated in Section 43(5)- Proviso of RERA and direction dtd. 21st 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
Dated: 16th October, 2018
(K. U. CHANDIWAL, J.)
President,
Maharashtra Revenue Tribunal,
Mumbai
& I/c. Maharashtra Real Estate
Appellate Tribunal, (MahaRERA),
Mumbai