

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 829 OF 2019
WITH
INTERIM APPLICATION NO. 1 OF 2019

M/s. Kothari Creations & anr. ..Appellants.

v/s.

Mr. Anthony Pereira. ..Respondent.

Mr. R.D. Suryawanshi i/b. Mr. Suraj Naik, advocate for appellants.

Mr. Prashant P. Kulkarni, advocate for respondent.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : DECEMBER 16, 2019.

P. C. :

1 Heard both the parties.

2 The appellant No. 2 herein has tendered an undertaking to this Court contending therein that he would comply with the proviso to section 43(5) of Real Estate (Regulation & Development) Act(RERA), 2016. The amount would be 30% of the total amount i.e. he would deposit an amount of Rs. 38,14,440/- within 8 weeks. The said undertaking is taken on record and marked as Article “X” for the purpose of identification.

Talwalkar

3 The appeal filed before RERA Authority, Bandra was dismissed on account of non-compliance of the said provisions and therefore, the amount be deposited before RERA Appellate Tribunal at Mumbai. The matter deserves to be remanded in the above-mentioned circumstances to the Appellate Tribunal of RERA. The learned Appellate Tribunal shall decide the matter in accordance with law upon depositing the said amount. Second Appeal accordingly stands disposed of.

4 In view of the remand of the matter to the Appellate Tribunal, execution stands stayed which deserves to be continued or vacated by the authority.

5 Interim Application is also disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]