

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SECOND APPEAL (ST) NO.30718 OF 2018
WITH
CIVIL APPLICATION (ST) NO.30721 OF 2018
WITH
CIVIL APPLICATION NO.1517 OF 2018

Sapphire Space Infracon Pvt. Ltd. ... Appellants

Vs

Maharashtra Real Estate Regulatory
Authority & Ors. ... Respondents

...

Ms. Deepa Pohuja with Ms. Srividya Venkat I/by M/s. J Law
Associates for the Appellants.

Respondent Nos.3,4,6 and 7 are present in person.

CORAM : SANDEEP K. SHINDE J.
DATE : 22 MARCH, 2019

P.C. :

Heard learned counsel for the appellants. Respondent
Nos.3,4, 6 and 7 are present in person.

2 Respondents herein had filed complaint under Section 18
of the Real Estate (Regulation And Development) Act, 2016 ('RERA
Act') before the Maharashtra Real Estate Regulatory Authority,
Mumbai. Complainants booked row-house and the appellants had
agreed to deliver possession of it on or before 31st December, 2011.

Complainant Nos.1 to 4 and 6 to 7 withdrew from the project. They claimed their amount with interest and/or compensation.

3 Authority after hearing the complainants and respondents vide final order dated 26th March, 2018 directed respondents to pay amount in terms of the statements marked as Exhibit 1 to 6 with Simple Interest @ 10.05% and cost of Rs.20,000/-.

4 Against the order of the Authority, an appeal was preferred before the Maharashtra Real Estate Appellate Tribunal under the RERA Act.

5 That in terms of the provisions of Section 43(5) of the RERA Act, the Appellate Tribunal directed promoter to deposit 50% of the amount with interest and cost with the Maha-Rera Authority upto 10th September, 2018. The order of the Tribunal dated 9th August, 2018 is carried in the Second Appeal before this court. On 4th August, 2018, execution of the impugned order was stayed till the next date of hearing. On 18th December, 2018 statement was made on behalf of the appellants that Rs.25 Lakhs would be deposited within

twenty days before the Appellate Tribunal and the statement was accepted.

6 On 14th January, 2019 when this appeal was taken up for hearing, respondents pointed out that though the statement was made before this Court, amount has not been deposited by the appellants-promoter . In view of this fact, interim protection granted by this Court was not extended.

7 Respondents have placed on record order dated 18th January, 2019 passed by the learned Maharashtra Real Estate Appellate Tribunal. It shows that for non-compliance of the order of deposit of the amount, appeal is disposed of. Copy of the order dated 18th January, 2019 is taken on record. In view of this appeal is rendered infructuous and disposed of as dismissed.

8 All Civil Applications are disposed of.

(SANDEEP K. SHINDE, J.)