

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

WRIT PETITION NO. 12983 OF 2019

Sanvo Resorts Pvt. Ltd., ... Petitioner.
V/s.
Mr. Aniket Anil Kadam & Anr. ... Respondents.

**WITH
WRIT PETITION NO. 13035 OF 2019**

Sanvo Resorts Pvt. Ltd., ... Petitioner.
V/s.
Patricia Vanessa Fernandes & Anr. ... Respondents.

Mr. Prasanna Tare, Advocate a/w. Ms. Priyankar H. Rane
& Ms. Akshada Shetye for the Petitioner in both
Petitions.
Mr. Parag M. Tilak, Advocate for the Respondents for in
both the Petitions.

CORAM : UJJAL BHUYAN, J.

DATE : DECEMBER 19, 2019.

PC :

1 This order will dispose of both the Writ
Petitions.

2 Heard Mr. Prasanna Tare, learned counsel for
the Petitioner and Mr. Parag M. Tilak, learned counsel
for the Respondents in both the Petitions.

3 The two Petitions have been filed under Article 227 of the Constitution of India, assailing the common order dated 19.10.2019 passed by the Maharashtra Real Estate Appellate Tribunal at Mumbai in Misc. Application No.279 of 2019 in Appeal No. AT006000000031573 - with Misc. Application No. 282 of 2019 in Appeal No. AT006000000031572 - to the extent that the Petitioner has been directed to deposit 40% of the amount as per the impugned order in order to comply with the proviso to Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 ("Act"). The order dated 19.10.2019 is extracted hereunder :

“Called.

Heard Learned C.A. for Respondents.

Appeal is filed by Promoter. Hence Applicant is directed to deposit 40% of the amount as per impugned order to comply with Proviso to Section 43(5) of RER Act, 2016.

Stand over to 5th November, 2019 for compliance.”

4 After hearing the matter at some length and considering the provisions of section 43 (5) of the Act, learned counsel for the Petitioner seeks leave to withdraw the Writ Petitions but however, seeks

indulgence of the court for extension of time to deposit the aforesaid amount.

5 On a query by the court, learned counsel for the Petitioner submits that four weeks time may be granted for depositing the aforesaid amount.

6 However, learned counsel for the Respondents submits that considering the statutory requirement and the fact that the impugned order was passed on 19.10.2019, period of four weeks appears to be on the higher side.

7 Be that as it may, on due consideration, it is hereby directed that in terms of the order dated 19.10.2019, Petitioner shall deposit 40% of the amount within a period of four weeks from today.

8 Both the Writ Petitions are, accordingly, disposed of in the above terms.

(UJJAL BHUYAN, J.)

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