

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

**32) M.A. No. 343/23 (Withdrawal of Amt.)
In
AT006000000010566/18**

Mr. Ansari Moh. Anas Moh. Afzal & Anr. ... Applicants

V/s.

Mantri Dwelling Pvt. Ltd. ... Non-applicant

Alongwith

**33) M.A. No. 344/23 (Withdrawal of Amt.)
In
AT006000000010567/18**

Mr. Ansari Moh. Ovasi Moh. Afzal & Anr. ... Applicants

V/s.

Mantri Dwelling Pvt. Ltd. ... Non-applicant

*Mr. Ansari Moh. Anas, Party-in-person /Applicant in Sr. No.32
Mr. Ansari Moh. Ovasi, Party-in-person/Applicant in Sr. No.33
None for Non-applicant*

**CORAM : SHRIRAM R. JAGTAP, MEMBER (J) &
DR. K. SHIVAJI, MEMBER (A)**

DATE : 28th March, 2024

(THROUGH VIDEO CONFERENCE)

Mr. Ansari Moh. Anas, one of the Applicants submits that
Applicants have filed necessary documents to show that the

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Promoter has deposited amount in this Tribunal in compliance of the proviso to Section 43(5) of RERA.


2] Mr. Ansari Moh. Anas submits that the Applicants have already served amended Applications to the other side by e-mail and by courier. Despite this, Non-applicant has failed to appear in the matter.

3] These Applications are filed for withdrawal of amount deposited by Promoter/Non-applicant in compliance of the proviso to Section 43(5) of RERA. Since there is no material on record to show that the Promoter has filed Second Appeal in the Hon'ble High Court against the order passed by this Tribunal.

4] Mr. Anas submits that the Non-applicant has not filed Second Appeal in Hon'ble High Court against the order of this Tribunal. Therefore, we are of the view that in view of this submission there is no impediment in allowing applications.

5] Accordingly, Applications are allowed.

6] Registry is directed to pay the amount deposited by Promoter in compliance of the proviso to Section 43(5) of RERA Act, 2016 to Applicants as per Rules.


(DR. K. SHIVAJI)


(SHRIRAM R. JAGTAP)

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