

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**MISC. APPLICATION NO. 647 OF 2023 (Stay)
WITH
MISC. APPLICATION NO. 75 OF 2024 (Direction to Deposit)
IN
APPEAL NO. AT006000000174722 OF 2023**

Sanvo Resorts Pvt. Ltd.

... Appellant

-VS-

Mr. Aniket Anil Kadam & Anr.

... Respondents

*Mr. Dwarkanath K. Rao authorized representative of appellant co. a/w.
Mr. Prasanna Tare, Advocate for Appellant.
Mr. Aniket A. Kadam, Respondent No.1 in-person and on behalf of
Respondent No.2 (his father) a/w. Mr. Vijay Prakash Yadav, Advocate for
Respondents.*

CORAM : SHRI SHRIRAM. R. JAGTAP, MEMBER (J) &

DR. K. SHIVAJI, MEMBER (A)

DATE : 14th MARCH, 2024

(THROUGH VIDEO CONFERENCE)

Mr. Dwarkanath K. Rao authorized representative of appellant co. a/w. Mr. Prasanna Tare, learned for Appellant, Mr. Aniket A. Kadam, Respondent No.1 in-person for himself and on behalf of Respondent No.2 (his father) a/w. Mr. Vijay Prakash Yadav, learned counsel for Respondents joined the conference and jointly submit that the disputes in matter has been amicably settled and now, further no disputes are pending and the



settlement amount has already been paid to the Respondents.

2] Learned counsel for parties present today jointly submit that the appeal be disposed of in view of the consent terms which has already been executed and placed on record.

3] Perused.

4] Consent terms placed on record are accepted and taken on record, except the clauses mentioned in para 4 to the extent of quashing and setting aside the order dated 30th June 2023 of MahaRERA and also to quash and set aside the order dated 09th November 2023 passed by the learned Adjudicating Officer, MahaRERA. It is settled position of law that by any amicable settlement between the parties, the concerned underlying impugned order/s under challenge cannot be set aside without appropriate adjudication of the underlying controversies. Accordingly, these clauses in the said consent terms are not accepted and not taken on record.

5] At this stage, advocate Mr. Prasanna Tare appearing for Appellant submits that the amicable settlement has already been executed among the parties and it should not be taken as precedent for any other matter.

6] In view of the amicable settlement taken on record as on the above terms, the captioned appeal stands disposed of as above.



7] In view of disposal of appeal on above terms, pending Misc. Application Nos.647/2023 and 75/2024 will not survive. Hence, stand disposed of accordingly.

8] No costs.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP, J.)