

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

MISC. APPLICATION NO. 695/2023 (withdrawal of amount)
In APPEAL NO. AT006000000031749 OF 2019

Shrikant V. Chinchmalatpure

... Appellant

-VS-

Sanvo Resorts Pvt. Ltd. & 4 Ors.

... Respondents

Ms. Sonam Singh, Advocate for Appellant.

Mr. Sumit Khandare, Advocate for Respondents.

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

DATE : 08th FEBRUARY, 2024

(THROUGH VIDEO CONFERENCE)

Learned counsel for parties joined the conference.

2] Heard learned counsel for parties.

3] Based on the purshis and more particularly as per the order of the Hon'ble Bombay High court dated 25.08.2023 at page no.40, the Second Appeal has been dismissed.

4] Learned counsel for parties confirms that there is no other proceeding pending as of now in this matter.

5] In view of the dismissal of Second Appeal, Applicant allottee has filed the captioned Misc. Application No.695/2023 seeking withdrawal of the pre-deposits made by the promoter towards the compliance of the



Proviso to Section 43(5) of the Act of 2016 of the amount of ₹ 02,79,029/- along with accrued interest, if any.

6] Learned counsel for Applicant upon instruction seeks to withdraw the amount of ₹ 02,79,029/- along with accrued interest thereon.

7] Accordingly, we are of the view that there is no impediment in allowing the Misc. Application No. 695/2023 and the said amount of ₹ 02,79,029/- along with accrued interest, if any are permitted to be withdrawn by the Applicant.

8] Registry is therefore directed to allow the withdrawal of the said amount of ₹ 02,79,029/- together with interest (if any) to Applicant as and when such requests are made for this, as per the standard procedure.

9] No costs.



(DR. K. SHIVAJI)



(SHRIRAM. R. JAGTAP, J.)