

**BEFORE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL MUMBAI**

**22] M.A. No. 741/23 (R.) (Withdrawal of Amt.)
with
M.A. No. 378/23 (Withdrawal of Amt.)
IN
AT006000000031762/19**

Mr. Amod D. Athavale & Anr.

... Applicants

V/s.

M/s. Gurumauli Developers & Ors.

...Non-applicants

Adv. Rupali Padgulekar for Applicants.

Adv. Adway Kudalkar, manager of Non-applicants.

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

DATE : 2nd January, 2024

(THROUGH VIDEO CONFERENCE)

1. Adv. Rupali Padgulekar submits that parties to the proceeding have amicably settled the matter and filed consent terms on record. She further submits that today the non-applicants have produced the copy of consent terms on record. According to consent terms, the applicants have no objection for refund of the amount deposited by non-applicants in compliance of proviso to Section 43(5) of RERA.
2. Applicants are present. Applicants submit that they have no objection for refund of the amount to non-applicants. In view of submissions of applicants and in view of consent terms, there is no impediment in refunding the amount deposited by non-applicants to non-applicants as per rules with accrued interest thereon.
3. Record reveals that non-applicants have already filed M.A. no. 741 of 2023 for withdrawal of amount. In view of submissions as above,



we are of the view that there is no impediment in allowing Miscellaneous Application no. 741 of 2023 filed by the promoters. Accordingly, M.A. no. 741 of 2023 is allowed.

4. Since M.A. no. 741 of 2023 is allowed, M.A. no. 378 of 2023 does not survive and accordingly M.A. no. 378 of 2023 stands disposed of.
5. Registry is directed to refund the entire amount with accrued interest thereon to non-applicants i.e. M/s. Gurumauli Developers & Ors. as per rules.


(**DR. K. SHIVAJI**)

Ajit


(**SHRIRAM. R. JAGTAP**)