

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

**MISC. APPLICATION NO. 41 OF 2023
(withdrawal of amount)
IN
APPEAL NO.AT006000000041901 OF 2019**

Mr. Rajesh M. Chhabria & Anr.
-VS-

.. Applicants

Neelkamal Realtors Suburban Pvt.Ltd.

.. Non-Applicant

*Adv. Mr. Sumeet Palsuledesai for Appellants.
Adv. Mr. Sushant Chavan for Respondent.*

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

DATE : 1st September, 2023.

(THROUGH VIDEO CONFERENCING)

We have heard learned counsel appearing for respective parties.

2] It is not in dispute that the non-applicant has deposited Rs.15,45,857 in the Tribunal in compliance of proviso to Section 43(5) of RERA. It is not in dispute that the applicants/allottees had filed complaint bearing No.CC006000000079336 for interest on delayed possession which was allowed by the learned Authority. Being dissatisfied with order dated 21.8.2019 passed by the learned Authority, the promoter had preferred appeal bearing No.AT006000000041901 of 2019 and deposited aforesaid amount in the Tribunal in compliance of proviso to Section 43(5) of RERA.


S. Jagtap

Appeal filed by promoter came to be dismissed on 16.12.2022. It is not in dispute that second appeal preferred by the promoter against judgment and order of this Tribunal also came to be dismissed by the Hon'ble High Court.


3] Considering peculiar circumstances of the case, we are of the view that there is no impediment in allowing Misc. Application No.41 of 2023 filed by allottees for withdrawal of amount. Accordingly, Misc. Application No.41 of 2023 is allowed.

4] The Registry is directed to release the amount of Rs.15,45,857/- with accrued interest to the applicants/allottees as per rules.

5] Accordingly, Misc. Application No.41 of 2023 stands disposed of.


(DR. K. SHIVAJI)

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(SHRIRAM R. JAGTAP)