

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

**M.A.No.206/23 (Withdrawal of Amt.)
IN**

APPEAL NO. AT006000000052780/20 (Decided on 02.03.2023)

M/s. Akruti GM Joint Venture & Anr.

... Applicants

-VS-

Sanjay Sanwarmal Kejriwal

... Non-applicant

Mr. Rubin Vakil, Advocate for Applicants.

Mr. Sanjay S. Kejriwal and Mr. Rakesh S. Kejriwal, party-in-persons.

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

DATE : 9th AUGUST, 2023

(THROUGH VIDEO CONFERENCE)

Learned counsel for Applicants, Mr. Rubin Vakil and Mr. Sanjay S. Kejriwal and Mr. Rakesh S. Kejriwal, party-in-persons, the Non-applicants joined the conference.

2] We have heard both the parties.

3] By this application, Applicants have prayed for refund of amount which was deposited by them in compliance of the proviso of section 43(5) of RERA Act.


4] A perusal of record would show that appeals filed by Allottees and Promoters have been partly allowed. It further transpires that the impugned order passed by learned Authority came to be set aside by this Tribunal and matter has been remanded to the learned Authority to be

S. Jagtap

decided afresh.

5] Considering the peculiar facts and circumstances of the case, we are of the view that the Applicants are entitled to get refund of the amount deposited by them in compliance of the proviso to section 43(5) of RERA Act. Accordingly, application is allowed.

6] Registry is directed to refund the entire amount deposited in compliance of the proviso to section 43(5) of RERA Act by Applicant no. 1 with accrued interest thereon as per Rule.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP, J.)

MS/-