

**BEFORE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL MUMBAI**

20] M.A. No. 62/22 (Stay)

In

AT005000000053528/22

Ashdan Developers Pvt. Ltd.

... Appellant

V/s.

Mrs. Aditi Chavan

...Respondent

WITH

21] M.A. No. 63/22 (Stay)

In

AT005000000053531/22

Ashdan Developers Pvt. Ltd.

... Appellant

V/s.

Mr. Sudrik U. Haribhau

...Respondent

WITH

22] M.A. No. 64/22 (Stay)

In

AT005000000053532/22

Ashdan Developers Pvt. Ltd.

... Appellant

V/s.

Mrs. Kshitija K. Gawade & Anr

...Respondents

WITH

23] M.A. No. 65/22 (Stay)

In

AT005000000053533/22

Ashdan Developers Pvt. Ltd.

... Appellant

V/s.

Mr. Pravin Ashok Patil

...Respondent

WITH

Spent

24] M.A. No. 67/22 (Stay)

In

AT005000000053535/22

Ashdan Developers Pvt. Ltd.

... Appellant

V/s.

Mrs. Himani Mohan & Anr.

...Respondents

Adv. Radhikesh V. Uttarwar for Appellant.

Adv. Swaroop Godbole for Respondents.

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 19th December, 2023

(THROUGH VIDEO CONFERENCE)

1. Adv. Radhikesh V. Uttarwar submits that the appellant does not want to proceed with these appeals and appellant has filed applications for withdrawal of these appeals. Adv. Swaroop Godbole has stiff opposition for withdrawal of these appeals on the ground that since 2020 the respondents/allottees have been fighting litigation in this Tribunal and before learned Authority, though the order of learned Authority is in favour of allottees. We are of the view that the appellant is master of its appeals. Therefore, we are of the considered view that there is no impediment to allow the appellant to withdraw the appeals filed by promoters. However, so far as pre-deposits are concerned, learned Adv. Swaroop Godbole has submitted that the allottees have filed applications for execution of impugned order but because of filing of these appeals the same execution applications are stayed after depositing the amount by promoter towards compliance of Section 43(5) of RERA and made request to pay the amount deposited by promoter towards compliance of Section 43(5) of RERA to allottees.

S. Jagtap

2. We do find substance in the submissions of Adv. Swaroop Godbole.
3. The appeals filed by promoters; stand disposed of as withdrawn.
4. The amount deposited by promoter towards compliance of Section 43(5) of RERA be refunded/ be paid to respective allottees with accrued interest as per rules. Adv. Swaroop Godbole submits that if the promoter pays the entire amount to allottees as ordered by learned Authority the allottees will execute deed of cancellation. In view of this submission of learned Adv. Swaroop Godbole, amount deposited by promoters towards compliance of Section 43(5) be refunded to the allottees with accrued interest as per rules.
5. Pending Misc. applications if any, stand disposed of as appeals are withdrawn.


(DR. K. SHIVAJI)

Ajit


(SHRIRAM. R. JAGTAP)