

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

11] Appeal No. AT006000000053570/22

Smt. Anita Hemraj Bora ... Appellant

V/s.

M/s. Jawala Real Estate Private Limited ... Respondent

Alongwith

12] M.A. No. 48/24 (Prod. of Docs.)

With

M. A. No. 202/24 (Withdrawal of Amt.) (R.)

In

Appeal No. AT006000000053567/22

Smt. Anita Hemraj Bora ... Applicant

V/s.

M/s. Jawala Real Estate Private Limited ... Non-applicant

Adv. Mr. Amit Patil for Appellant

Adv. Ms. Smita Sharma for Respondent

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

DATE : 19th March, 2024

(THROUGH VIDEO CONFERENCE)

We have heard learned Counsel for respective parties and Appellant in person on the Application bearing M.A. No. 202/24. By this Application Promoter has prayed to allow him to withdraw Rs.2,16,18,987/- as deposited by Allottee with this Tribunal.

Smt. Anita Hemraj Bora

Record reveals that by the order dated 8th June, 2023 this Tribunal has directed Allottee to deposit said amount and further directed the Respondent Promoter to part with possession of the subject flat to Allottee. The Order dated 8th June, 2023 clarifies that all contentions about payments are kept open and will be decided at the time of final decision in the Appeal. Therefore, there is no substance in the contention of the Allottee that amount with regard to infrastructure shall not be paid to the Promoter. This contention of the Allottee is meritless in view of the order dated 8th June, 2023. The Order dated 8th June, 2023 has protected the rights of the party with regard to the payments. Therefore, we are of the view that there is no impediment in allowing M.A. No. 202/24. Accordingly, Misc. Application No. 202/24 is allowed. Registry is directed to pay Rs.2,16,18,987/- to the Promoter with accrued interest thereon as per Rules.

Advocate Mr. Amit Patil seeks time to file reply to M.A. No. 48/24. He also seeks time to file written submissions.

Granted.

Stand over to 3rd July, 2024 for filing written submissions by Appellant and reply to Misc. Application No. 48/2024.


(DR. K SHIVAJI)


(SHRIRAM R. JAGTAP)

SPK/11-12