

Nalawade

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

APPEAL NO. AT006000000053611 OF 2022

Snehal K. Shah & Anr. ... Appellants

-VS-

L & T Parel Projects LLP & Ors. ... Respondents

**MISC. APPLICATION NO. 493 OF 2022 (Stay)
IN
APPEAL NO. AT006000000063808 OF 2022**

L & T Parel Projects LLP & Ors. ... Appellants

-VS-

Snehal K. Shah & Anr. ... Respondents

*Mr. Snehal K. Shah a/w. Mrs. Radhika Shah, Allottes-in-person a/w. Mr. Dhaval Shethia, Advocate for Allottees.
Mr. Harish Kumar, Authorized representative of Promoter Co. a/w. Mr. Manish Gala, Advocate for Promoter.*

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 12th MARCH, 2024

(THROUGH VIDEO CONFERENCE)

Mr. Snehal K. Shah a/w. Mrs. Radhika Shah, Allottes-in-person, Mr. Harish Kumar Authorized representative of Promoter Co. and learned counsel for parties joined the conference and jointly submit that



matters in both the appeals have been amicably settled and now, further no disputes are pending.

2] Learned counsel for Allottees accordingly submits that matters be disposed.

3] Perused.

4] Based on the submissions made by the parties, consent terms executed among the parties are taken on record, except the clauses which stipulate that the impugned order passed by MahaRERA be set aside.

5] Learned counsel for parties jointly further submit that the amount of ₹ 64,62,383/- which were pre-deposited by the Promoter towards the compliance of the Proviso to Section 43(5) of the Act of 2016 be allowed to be withdrawn by the allottees equally i.e by Mr. Snehal K. Shah and Mrs. Radhika Shah in equal proportions between the Allottees along with the accrued interest, if any.

6] In view of para 5 of the consent terms, allottees are allowed to withdraw amount of ₹ 64,62,383/- along with accrued interest, if any in equal proportions of 50 percent each.

7] Registry is further directed to allow withdrawal of these amounts, as and when formal requests are filed by both the Allottees as expeditiously as possible, following the standard procedure.



8] Accordingly, both the appeals stands disposed of in view of the above terms.

9] In view of the dismissal of appeals, pending Misc. Application No.493/2022 will not survive and stands disposed of.

10] No costs.


(DR. K. SHIVAJI)


(SHRIRAM R. JAGTAP, J.)