

**BEFORE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL MUMBAI**

**M. A. No. 444/23 (Delay)
M. A. No. 402/23 (Restoration)
In**

APPEAL NO. AT006000000053616/2022 (D.)

Vijay Suraksha Realty LLP

... Applicant

V/s.

Mr. Shantilal Haria & Anr.

... Non-applicants

Adv. Mr. M. B. Sirswal for Applicant
Adv. Mr. Amit Mishra for Non-applicants
Mr. Balram Shingole, Applicant
Mr. Shantilal Hari, Non-applicant

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

DATE : 28th February, 2024

(THROUGH VIDEO CONFERENCE)

Learned counsel submit that the parties have amicably settled the matter and have filed consent terms on record. Mr. Balram Shingole, authorized signatory of Applicant is present. Mr. Shantilal Haria, Non-applicant No.1, one of the Allottees is present and his wife Mrs. Kalpana Haria is absent.

2] Mr. Balram Shingole submits that he has signed the consent terms and he admits the contents of consent terms. Mr. Shantilal Haria submits that he and his wife have signed the consent terms and he has no conflict interest with his wife. He further submits that he admits the contents of consent terms. The matter has been amicably settled



between the parties.

3] Both parties submit that pursuant to the compliance of proviso to Section 43(5) of RERA, the Applicant has deposited Rs.2,33,00,000/- in the Tribunal. By way of consent terms, the Non-applicants i.e. Allottees are entitled to receive the said amount with accrued interest thereon. The balance amount will be paid by demand draft to Allottees by Applicant. Therefore, we are of the view that there is no impediment in disposing of the present delay condonation application and Appeal in the light of consent terms.


4] Accordingly, delay condonation application and Appeal stands disposed of in terms of consent terms.

5] The Registry is directed to pay an amount of Rs.2,33,00,000/- with accrued interest to Mr. Shantilal Haria and his wife Mrs. Kalpana Haria as per rules.

6] Pending Misc. Application, if any, also stands disposed of.


(DR. K. SHIVAJI)

MBT/25


(SHRIRAM. R. JAGTAP)