

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

APPEAL NO. AT0060000000144300

With

MISC. APPLICATION NO. 172 OF 2023 (For Stay)

Skystar Buildcon Pvt. Ltd.

... Applicant

-VS-

Mr. Ankush Gadi

... Non-applicant

Mr. Abir Patel, Advocate for Applicant

Mr. Manan Sharma, Advocate for Non-applicant.

**CORAM : SHRI S. S. SHINDE J., CHAIRPERSON &
DR. K. SHIVAJI, MEMBER (A)**

DATE : 17th AUGUST, 2023

(THROUGH VIDEO CONFERENCE)

Heard.

Admit.

On admission learned Counsel appearing for Respondent waives service. With consent of learned Counsel appearing for the parties the Appeal is taken up for final hearing forthwith.

Learned counsel appearing for the Applicant and Non-applicant jointly submits that, parties have amicably settled the dispute and to that effect consent terms have been signed by both the parties.

A copy of consent terms duly signed by the parties and respective Advocates appearing for them is tendered across bar and same is taken on record and marked 'X' for the identification.



Respondent No. 2 is present for interaction through video conference. We have interacted with him and he stated that, it is his voluntary act to enter into settlement with free will and he has signed the consent terms.

In short, he stated that said consent terms signed and verified by him without any coercion with free will. He has no objection to dispose of the Appeal in the light of the consent terms.

In view of the consent terms arrived between the parties and in particular in para 9 thereof Respondent will be entitled to withdraw amount of Rs.57,84,230/- deposited by the Appellant in the Registry of the Tribunal and interest accrued there upon will be withdrawn by the Appellant.

Keeping in view the contents of para 12 of the consent terms, we make it clear that this order is passed in peculiar facts and circumstances of this case and we impress upon the parties to follow consent terms in letter and spirit.


In the light of consent terms arrived between the parties from para 1 to 16 the Appeal stands disposed of.

In view of the disposal of Appeal nothing survives for consideration in Misc. Application No. 172/23. Hence, the same is also disposed of accordingly.



(DR. K. SHIVAJI)

SPK/26



(S. S. SHINDE, J.)