

**BEFORE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL MUMBAI**

Ex. A. No. 03/24

In

APPEAL NO. AT006000000053317/2021 (D.)

Abhishek A. Sukhadia & Anr.

... Applicants

V/s.

M/s. Pragatej Builders & Developers

Pvt. Ltd. & 3 Ors.

... Non-applicants

Adv. Mr. Rubin Vakil for Applicants/ decree holders

Adv. Mr. Indravadan Buddhadev for Non-applicants/ judgment debtor

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

DATE : 15th March, 2024

(THROUGH VIDEO CONFERENCE)

Advocate Mr. Rubin Vakil submits that the second Appeal filed by the judgment debtor has been dismissed by the Hon'ble High Court and at the same time the Hon'ble High Court has accorded liberty to decree holders to withdraw the amount deposited by Promoter in this Tribunal alongwith accrued interest thereon. Learned Advocate has further submitted that the decree holders have received possession of the subject flat on 31st January, 2024.

2] In view of the above submissions and in view of the Order passed by the Hon'ble High Court, we are of the view that there is no impediment in directing the Registry to pay amount deposited by the Promoter in compliance of proviso to Section 43(5) of RERA to Allottees i.e. decree holders alongwith accrued interest thereon.

3] It is significant to note that there is nothing on record to show that the judgment debtor has filed Appeal in the Hon'ble Apex Court against the Order passed by the Hon'ble High Court. Under the circumstance, we are of the view that there is ^{by} not impediment in directing the Registry to pay Rs.32,15,777/- to Allottees i.e. decree holders alongwith interest accrued thereon. Accordingly, the Registry is directed to pay Rs.32,15,777/- with interest accrued thereon to decree holders/ allottees as per Rules.

4] Parties are directed to file calculation with regard to the residue amount.

5] Stand over to 13th June, 2024 for further consideration.


(DR. K. SHIVAJI)

MBT/50


(SHRIRAM. R. JAGTAP)