

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

**REVIEW NO. 70 OF 2022
IN
APPEAL NO. AT006000000053383 OF 2021**

Huges Real Estate Developers LLP
-VS-

.. Applicant

Ajit Bhagwanrao Bhusagare

.. Non-Applicant

*Adv. Mr. Dharam Jumanani for Applicant.
CA Mr. Karthik S. Iyer for Non-Applicant.*

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

DATE : 1st August, 2023.

(THROUGH VIDEO CONFERENCING)

Pursuant to directions given by this Tribunal on 14.7.2023, the appellant has filed purshis which shows the amount to be paid by the respondent to appellant. By the directions dated 14.7.2023 the appellant was directed to file computation of interest in the light of statement of interest calculations filed by the respondent more particularly mentioned on page-155. In this regard, Adv. Mr. Dharam Jumanani has submitted that the appellant has nothing to say with regard to Annexure 2 (page-155) i.e. statement of interest calculations filed by the respondent. He further submits that the respondent is liable to pay balance consideration amount and other charges to appellant and therefore, set off be given to appellant against the balance consideration amount and other charges payable by

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the allottee.

2] We have heard learned counsel for respective parties.


3] It is not in dispute that pursuant to order of the Hon'ble High Court, the appellant has deposited a sum of Rs.25,00,000/- as an ad-hoc amount with this Tribunal. The statement of interest calculation filed by respondent (page-155) shows that the appellant is supposed to pay additional amount of Rs.22,68,708/-. Annexure 2 (page-155) further goes to show that the respondent is also liable to pay a sum of Rs.10,51,396/- towards balance consideration and Rs.6,43,920/- towards other charges to appellant. Learned counsel submit that the appellant has filed complaint against the respondent/allottee for recovery of said amount with interest. In this context, Adv. Mr. Dharam Jumanı submits that if set off as sought by the appellant is given, then the appellant will not claim interest on the said amount from today. He further submits that the appellant is entitled to interest on delayed payment from the respondent. He seeks indulgence of this Tribunal in awarding set off the balance amount and other charges payable by the respondent to appellant against the additional amount to be deposited by the appellant towards interest in compliance of proviso to Section 43(5) of RERA.

4] After considering the submissions advanced by the learned counsel for respective parties and considering peculiar circumstances of the case, we are of the view that if set off as sought by the appellant is granted, no prejudice will be caused to the respondent. We would like to reiterate that the learned Advocate Mr. Dharam Jumanı has poignantly submitted that the appellant will not claim interest on the balance consideration amount and other charges payable by the respondent to

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appellant from 1.8.2023. Therefore, to meet the ends of justice, the appellant is directed to deposit balance amount after deducting balance consideration amount and other charges as above from Rs.22,68,708/- in compliance of proviso to Section 43(5) of RERA.

5] Stand over to 23rd August 2023 for compliance of proviso to Section 43(5) of RERA.


(DR. K. SHIVAJI)


(SHRIRAM R. JAGTAP)

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