

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

Appeal No. U-8/2021

In

SC10002323

Inorbit Malls (India) Pvt. Ltd.
Raheja Towers, Plot No. C-30,
Block G, Opposite SIDBI,
Bandra Kurla Complex, Bandra (East),
Mumbai-400 051

Cavalcade Properties Private Limited

Raheja Towers, Plot No. C-30,
Block G, Opposite SIDBI,
Bandra Kurla Complex, Bandra (East),
Mumbai-400 051

Through its Authorised Signatory - Mr. Jayant Gosavi ... Appellant

Versus

Shitalkumar Bhagchand Jadhav

Vitthalo Chhaya, 664, Ghorpade Peth,
Khadakmal Ali Pune

... Respondent

Adv. Mr. Sureshkumar R. Firodiya for Appellant

Adv. Ms. Priya Nawale for Respondent

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

DR. K. SHIVAJI, MEMBER (A)

DATE : 6th February, 2024

(THROUGH VIDEO CONFERENCING)

Judgment is passed and pronounced today as follows:-



ORDER

- 1] Appeal No. U-8/ 2021 is partly allowed.
- 2] Impugned order dated 16.7.2021 passed by the learned Chairperson, MahaRERA in SC10002323 is set aside.
- 3] Complaint No. SC10002323 is dismissed.
- 4] Parties to bear their own costs.
- 5] Copy of this Order be communicated to the Authority and the respective parties as per Section 44(4) of RERA, 2016.


(DR. K SHIVAJI)


(SHRIRAM R. JAGTAP)

MBT/

At this stage, Advocate Mr. Sureshkumar R. Firodiya appearing for Appellant submits upon instruction that ₹ 50,000/- was deposited in the Tribunal as per the impugned order dated 16.07.2021 passed by MahaRERA, wherein penalty was imposed therein.

- 2] In view of the today's pronouncement of Judgment, wherein the impugned order has been set-aside and the complaint has been dismissed, he seeks to withdraw the said amount of ₹ 50,000/- deposited in the Tribunal on 30.11.2022.



- 3] Advocate Ms. Priya Nawale appearing for Respondent has no comment.
- 4] Perused.
- 5] In view of the today's pronouncement of Judgment, wherein the impugned order has already been set-aside, we are of the view that there is no impediment in permitting Appellant for withdrawal of said amount of ₹ 50,000/-.
- 6] Accordingly, Registry is directed to refund this amount along with accrued interest to Appellant as per rules.


(DR. K SHIVAJI)


(SHRIRAM R. JAGTAP)