

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL  
MUMBAI**

**M.A. No. 30/23 (Withdrawal of Amt.)**

**WITH**

**EX. No. 12 / 2022**

**IN**

**APPEAL NO. AT006000000011052/19**

Mr. Bhavik C. Shah & Anr.

... Applicants

-VS-

Wadhwa Residency Pvt. Ltd.

... Non-applicant

*Mr. Bhavik C. Shah, Applicant No. 1 in person for himself and on behalf of  
Mr. Chandrakant Shah (his father) along with Adv. Rupali Padgulekar.  
Mr. Abir Patel, Advocate for Non-applicant.*

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

**DR. K. SHIVAJI, MEMBER (A)**

**DATE : 10<sup>th</sup> NOVEMBER, 2023**

**(THROUGH VIDEO CONFERENCE)**

**IN EXECUTION APPLICATION NO. 12/2022**

Learned counsel for parties confirm that the matter has been amicably settled in the proceeding pending before the Hon'ble Bombay High Court yesterday and the consent terms have also been filed before the Hon'ble Bombay High Court.

2. In view of the amicable settlement and no further dispute is pending, Applicant-in-person along with his learned counsel further confirm that there is no further dispute pending.

3. Adv. Rupali Padgulekar seeks time to submit/send email to withdraw captioned Execution Application No. 12/2022 unconditionally.



4. The matter is kept back.

**IN SECOND CALL**

5. Same appearance.

6. Adv. Rupali Padgulekar submits that the purshis have been filed by email and seeks to withdraw the captioned Execution Application No. 12/2022 unconditionally in view of amicable settlement among the parties and based on filing of the consent terms before the Hon'ble Bombay High Court yesterday.

7. Being settled/withdrawn, captioned execution application no. 12/2022 stands disposed of as settled and withdrawn.

8. In view of the disposal of Execution Application No. 12/2022 as above, pending Misc. Application No. 30/2023 will not survive, hence, disposed of.

9. No costs.

10. In view of amicable settlement and withdrawal of Execution Application No. 12/2022, Applicants along with learned counsel for Applicants/Allottees jointly submit that the consent terms have been filed before the Hon'ble Bombay High Court, Wherein Para No. 8(b) stated that *"The Respondents hereby unconditionally consent to the Learned Appellate Tribunal releasing the said amount along with the entire interest accrued thereon to the Appellant and undertake to make such a concession and statement before the said Appellant Tribunal"*.



11. Accordingly, learned counsel for parties along with Appellant-in-person submit that in view of the disposal of the execution application and in view of the execution of the consent terms, the amount deposited by the Non-applicant/Promoter of Rs.4,28,373/- along with accrued interest, if any be allowed to be withdrawn by the Promoter.

12. Ld. Registrar to permit the withdrawal of the said amount as and when the request is made following standard procedure/Rules.

  
(DR. K. SHIVAJI)

  
(SHRIRAM. R. JAGTAP)

MS/-