

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

**MISC. APPLICATION NO. 267 OF 2023
(withdrawal of amount)
IN
APPEAL NO. AT006000000041893 OF 2019**

Bhartendu Vatsya & Anr.

.. Applicants

-VS-

Neelkamal Realtors Suburban P. Ltd.

.. Non-Applicant.

**WITH
MISC. APPLICATION NO. 209 OF 2023
(withdrawal of amount)
IN
APPEAL NO. AT006000000052992 OF 2021**

Manoj Gangwani & Ors.

.. Applicants

-VS-

Neelkamal Realtors Suburban P. Ltd.

.. Non-Applicant.

**WITH
MISC. APPLICATION NO. 216 OF 2023
(withdrawal of amount)
IN
APPEAL NO. AT006000000052991 OF 2021**

Mr. Saurabh Masekar & Anr.

.. Applicants

-VS-

Neelkamal Realtors Suburban P. Ltd.

.. Non-Applicant.

**WITH
MISC. APPLICATION NO. 217 OF 2023
(withdrawal of amount)
IN
APPEAL NO. AT006000000052362 OF 2021**

Gopal Shetty & Usha Shetty

.. Applicants

-VS-

Neelkamal Realtors Suburban P. Ltd.

.. Non-Applicant.

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

DATE : 27th September, 2023.

Corrigendum

It has been brought to the notice by the Registry that there are typographical mistakes occurred in the Noting dated 13th September 2023 in above appeals in the Coram as well as in the name of the Hon'ble Member (J) at the bottom place of signature which was wrongly typed as "S.S. Shinde, J." instead of "Shriram R. Jagtap, Member (J)". The same are to be corrected in exercise of the powers conferred under Section 152 of Civil Procedure Code. The same are corrected accordingly and corrected order is uploaded.


(DR. K. SHIVAJI)
Dond


(SHRIRAM R. JAGTAP)

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*Adv. Ms. Humera Syed for Applicant in Sr. No.15.
Mr. Manoj Gangwani, one of the applicants in Sr. No.16 is present.
Adv. Mr. Hiren Patel for applicants in Sr. No.17.
Adv. Ms. Shivani Shukla for applicants in Sr. No.18.
Adv. Mr. Sushant Chavan for Non-Applicants/Respondents.*

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

DATE : 13th September, 2023.

(THROUGH VIDEO CONFERENCING)

The applicants have moved these Misc. Applications for withdrawal of amount deposited by the promoter in compliance of proviso to Section 43(5) of RERA. It is not in dispute that being dissatisfied with order passed by this Tribunal, the promoter had filed appeals and the same came to be dismissed by the Hon'ble Bombay High Curt.

2] Considering peculiar circumstances of the case, we are of the view that there is no impediment in allowing these applications. Accordingly, Misc. Applications for withdrawal of amount are allowed.

3] The Registry is directed to release the amount deposited by the promoter in compliance with proviso to Section 43(5) of RERA as per rules with accrued interest.

4] All Misc. Applications stand disposed of.


(DR. K. SHIVAJI)


(SHRIRAM R. JAGTAP)

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