

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

**M. A. No. 461/2023 Withdrawal of Amt.)**

**In**

**Appeal No. AT006000000041905/2019 (D.)**

Praveen Harkawat & Anr.

... Applicants

V/s.

Neelkamal Realtors Suburban Pvt. Ltd.

... Non-applicant

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*Adv. Ms. Shivani Shukla i/b Adv. Mr. Anil D'souza for Applicants*  
*Adv. Mr. Sushant Chavan for Non-applicant*

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

**DATE : 17<sup>th</sup> October, 2023**

**(THROUGH VIDEO CONFERENCING)**

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AT006000000041905/2019 (D.)**

Advocate Ms. Vaishnavi Mane submits that she will take instructions from Advocate Mr. Sushant Chavan and will make submissions with regard to this Application.

2] Matter is kept back.

3] Later at 1.10 pm.

4] Advocate Ms. Shivani Shukla for Applicants and Advocate Mr. Sushant Chavan for Non-applicant are present.

5] This Application is moved by Allottees for withdrawal of amount, deposited by Non-applicant Promoter in compliance of proviso to Section 43(5) of RERA on the ground that no second

*S. Jagtap*

Appeal is filed by Promoter therefore the Order passed by this Tribunal has got finality.

6] Advocate Mr. Sushant Chavan for Non-applicant has stiff opposition to the Application on the ground that Promoter intends to prefer second Appeal in the Hon'ble High Court against the Order passed by this Tribunal.

7] After considering the submissions advanced by the respective parties, we are of the view that since no second Appeal is filed by Promoter till date there is no impediment in allowing the present Application.

8] Accordingly, Misc. Application 461/2023 is allowed.

9] The Registry is directed to pay an amount of Rs.11,91,256/- to Applicants/ Allottees alongwith accrued interest thereon as per Rules.

  
**(DR. K. SHIVAJI)**

  
**(SHRIRAM R. JAGTAP)**