

**BEFORE MAHARASHTRA REAL ESTATE APPELLATE TRIBUNAL
MUMBAI**

(4) APPEAL NO. AT006000000053604/22

Mitali Anup Rath & Anr.

... Appellants

-VS-

Sheth Infraworld Pvt. Ltd.

... Respondent

**(5) M.A. No. 618/23 (Joint Appln. for withdrawal of Amt.)
IN**

APPEAL NO. AT006000000053608/22

Pushkar D. Singh & Anr.

... Appellants

-VS-

Sheth Infraworld Pvt. Ltd.

... Respondent

(6) M.A. No. 540/23 (Withdrawal of Amt.)

WITH

Ex. No. 2/22

IN

APPEAL NO. AT006000000010821/18

Manoj Gagvani

... Appellant

-VS-

Sheth Infraworld Pvt. Ltd. & Ors.

... Respondents

(7) M.A. No. 539/23 (Withdrawal of Amt.)

WITH

Ex. No. 3/22

IN

APPEAL NO. AT006000000010822/18

Anup Rath

... Appellant

-VS-

Sheth Infraworld Pvt. Ltd. & Ors.

... Respondents

*Mr. Anup Rath, Appellant-in-person for himself and authorized representative of Appellant-in-person no. 2 (his wife) in sr. no. 4.
Mr. Pushkar D. Singh Rana, Appellant-in-person for himself and authorized representative of Appellant-in-person no. 2 (his wife) in sr. no. 5
Mr. Manoj Gagvani, Appellant-in-person in sr. no. 6.
Mr. Yunus Vakharia, Advocate for Respondents.*

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

**DATE : 10th NOVEMBER, 2023
(THROUGH VIDEO CONFERENCE)**

IN APPEAL NO. AT006000000053604/22

Mr. Anup Rath submits that the matter has been amicably settled and Appellant wishes to withdraw the captioned appeal filed before the Tribunal unconditionally because the dispute has been amicably settled and there is no further pending dispute.

2. In view of the amicably settlement of the dispute and appeal being withdrawn, captioned appeal stands disposed of as withdrawn.

3. Pending Misc. Application if any also will not survive and accordingly stands disposed of.

4. No costs.

IN APPEAL NO. AT006000000053608/22

5. Mr. Pushkar Singh Rana, Appellant-in-person and on behalf of authorized representative of Appellant-in-person no. 2 (his wife) along with Adv. Yunus Vakharia, learned counsel for Non-applicant collectively submit that the matter has been amicably settled and now no dispute is pending.

6. In view of amicable settlement, Mr. Pushkar Singh Rana seeks leave to withdraw the matter unconditionally.



7. In view of amicable settlement and being withdrawn, the captioned appeal stands disposed of as withdrawn.

8. No costs.

IN Misc. APPLICATION NO. 618/2023

9. By this application, Applicants/Complainants/Allottees are seeking to withdraw the amount of Rs.11,82,873/- along with accrued interest if any which were deposited by Respondent/Promoter in the Tribunal.

10. Adv. Yunus Vakharia upon instructions submits that Non-applicant/Promoter has no objection for Applicant to withdraw the amount along with accrued interest if any.

11. Accordingly, the said amount is permitted to be withdrawn by Applicants and Ld. Registrar is directed to allow the withdrawal of this amount along with accrued interest if any as and when the request is made following standard procedure.

12. No costs.

IN EXECUTION NO. 2/2022

13. Adv. Yunus Vakharia learned counsel for Promoter along with Mr. Manoj Gagvani, Complainant/Allottee in person jointly submit that the matter has been amicably settled and no other disputes are pending as of now.

14. Accordingly, in view of amicable settlement, Allottee/Applicant seeks leave to withdraw the Execution Application No. 2/2022 unconditionally.



15. Being withdrawn, Execution Application No. 2/2022 stands disposed of as settled and withdrawn.

16. No costs.

IN Misc. APPLICATION NO. 540/23

17. Mr. Manoj Gagvani submits that in view of unconditional withdrawal after the amicable settlement of Execution No. 2/2022, he has no objection for Applicant/Promoter to withdraw the amount of Rs. 10 lakhs deposited along with accrued interest if any made in the Tribunal to be permitted for withdrawal by the Promoter/Applicant.

18. Accordingly, Applicant/Promoter is permitted to withdraw this amount and Ld. Registrar is directed to permit for withdrawal of the amount along with accrued interest if any, as and when the request made following the standard procedure.

19. No costs.

IN EXECUTION APPLICATION NO. 3/2022

20. Mr. Anup Rath along with Adv. Yunus Vakharia jointly submit that the matter under the dispute has already been amicably settled.

21. In view of amicable settlement of the matter, Mr. Anup Rath seeks leave to withdraw the Execution Application unconditionally.

22. Being withdrawn, the captioned Execution Application No. 3/2022 stands disposed of as settled and withdrawn.

23. No costs.



IN Misc. APPLICATION NO. 539/23

24. Adv. Yunus Vakharia submits that his Misc. Application has been filed in pursuant to the amicable settlement among the parties for withdrawal of among of Rs.24,39,617/- along with accrued interest if any which were deposited in pursuant to the order of the Hon'ble Bombay High Court dated 21st Mar. 2023.

25. Mr. Anup Rath submits that he has no objection to the Applicant/Promoter for withdrawal of the amount along with accrued interest if any in view of the amicable settlement among the parties.

26. In view of above, Applicant/Promoter is permitted to withdraw the said amount of Rs. 24,39,617/- along with accrued interest if any as and when the formal request is made to the Tribunal.

27. Ld. Registrar is directed to take further steps to permit the withdrawal of the said amount as and when the request is made following standard procedure.

28. Accordingly, captioned Misc. Application No. 539/23 stands disposed of as above.

29. No costs.


(DR. K. SHIVAJI)


(SHRIRAM. R. JAGTAP)

MS/-