

**MAHARASHTRA REAL ESTATE APPELLATE
TRIBUNAL, MUMBAI.
MA 340 of 2019 (Withdrawal of amount)
AT006000000010882**

M/s.Bhoomi & Arkade Associates .. Applicant
V/s.
Mr. Rahul Bhosale .. Non-applicant

*Mr. Abir P. i/b Wadia Gandhi & Co, Advocate for
Applicant.
Mr. Deep Morabia i/b Zaid S. Ansari & Associates,
Advocate for Non-applicant.*

**CORAM : SUMANT KOLHE, MEMBER (J)
S. S. SANDHU, MEMBER (A)
DATE : 27th JANUARY, 2020.**

Heard Counsel for the Applicant and Non-applicant.

Applicant being promoter has deposited the amount as per proviso to Section 43(5) of RER Act, 2016 in office of the Tribunal as the Applicant had filed an appeal against the impugned order.

Admittedly, appeal was allowed and impugned order was set aside. Thereafter Non-applicant preferred second appeal in Hon'ble Bombay High Court. Non-applicant has withdrawn the appeal. Copy of the order of withdrawal passed by Hon'ble Bombay High Court in second Appeal No. 26 of 2020 is produced

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on record. In view of withdrawal of second appeal, Counsel for Applicant submitted to allow the Applicant to withdraw the deposited amount.

Learned Counsel for Non-applicant submits that Applicant had not deposited the correct amount as per order of the Tribunal while making compliance of proviso to Section 43(5). We think that this objection at this late stage cannot be considered. In view of aforesaid developments Applicant is entitled to withdraw the amount deposited in office. Therefore, we allow the application for withdrawal and pass following order: -

ORDER

- 1, Misc. Application No. 340/19 is allowed.
2. Applicant is permitted to withdraw the deposited amount.
3. No order as to costs.


(S. S. SANDHU)


(SUMANT KOLHE)