

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

I.A. NO. 451 OF 2021

IN

SECOND APPEAL (ST) NO. 31823 OF 2019

M/s. Geetanjali Aman Constructions
 and anr.

...Applicants

In the matter between

Hrishikesh R. Paranjape and anr.

...Appellants.

V/s.

M/s. Geetanjali Aman Constructions
 and ors.

...Respondents.

Mr. Girish R. Agrawal for the Applicants.

Ms Pooja Joshi for the Appellants.

CORAM : N.R. BORKAR, J.
DATE : 30.03.2021.

P.C. :

1. This application is taken out by the respondent Nos.1 and 2 with a following prayer:

"b) That the Applicants be allowed to be withdrawn the amount of Rs.9,00,000/- deposited pursuant to order dated 24/06/2019 in Appeal No. U-6 in Complaint No.SC10000672 and Complaint No. SC10000691 in the Maharashtra Real Estate Appellate Tribunal, Mumbai."

2. The appellants herein had filed complaint before the Maharashtra Real Estate Regulatory Authority, Mumbai alleging violation of provisions of the Real Estate Regulation and Development Act, 2016. By order dated 11.03.2019, the Regulatory Authority directed the present respondent Nos.1 and 2 to pay penalty of Rs.30 lakhs. The respondent Nos.1 and 2 filed

the appeal against the said order dated 11.03.2019 before the Maharashtra Real Estate Appellate Tribunal. Pursuant to order dated 24.06.2019, the respondent Nos.1 and 2 deposited an amount of Rs.9 lakhs before the Appellate Tribunal. By the order dated 10.07.2019, the Appellate Tribunal allowed the appeal. The present second appeal is filed against the order dated 10.07.2019 passed by the Appellate Tribunal.

3. The learned counsel for the respondent Nos.1 and 2 submits that in view of pendency of present second appeal, the Appellate Tribunal is not considering their request for withdrawal of amount of Rs.9 lakhs. Suffice it to say that the order by which the respondent Nos.1 and 2 were directed to pay penalty is no more in existence. Considering this fact, I do not see any impediment to allow the prayer made in the present application. Hence, the following order is passed.

ORDER

- A] Interim Application is allowed in terms of prayer clause "b".
- B] Application stands disposed of.

[N.R.BORKAR, J.]