

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO.330 OF 2023
WITH
INTERIM APPLICATION NO.4296 OF 2023
IN
SECOND APPEAL NO.330 OF 2023**

Larsen & Toubro Limited

...Appellant/
Applicant

V/s.

Banmali Tandan

...Respondent

Mr. Kunal Mehta a/w Nidhi Singh i/b IndiaLaw LLP, for
the Appellant/Applicant.

Dr. Banmali Tandan, Respondent in person present.

**CORAM : MADHAV J. JAMDAR, J.
DATED : JULY 07, 2023**

P.C.:

1. Heard Mr. Kunal Mehta, learned counsel appearing for
the Appellant and Dr. Banmali Tandan, Respondent in
person.

2. Mr. Mehta, learned counsel appearing for the Appellant
and Mr. Tandon, Respondent in person state that the dispute
between the Appellant and the Respondent has been settled
out of the Court.

3. In view of the above development, Mr. Tandon, Respondent appearing in person states that the dispute between the parties has been settled out of the Court and, therefore, he is withdrawing the Complaint. Mr. Tandon who appears in person tenders writing dated 7th July, 2023 recording withdrawal of the Complaint. The said Writing is taken on record and marked "X" for identification.

4. Accordingly, the Complaint No.CC006000000057215 is allowed to be withdrawn.

5. In view of withdrawal of the Complaint, the order dated 30th April, 2019 passed by the learned Member & Adjudicating Officer, MahaRERA, Mumbai passed in Complaint No.CC006000000057215 as well as the order dated 10th April, 2023 passed by the learned Maharashtra Real Estate Appellate Tribunal, Mumbai in Appeal No.AT006000000031569 of 2019 are quashed and set aside and the said Complaint is dismissed as withdrawn.

6. The Appellants have deposited the amount as directed by the order of the learned RERA Authority before the RERA Appellate Tribunal. The Appellants are at liberty to withdraw the said amount with accrued interest, if any.

7. The Appellants are also granted liberty to pursue their remedies before the Service Tax Authority for refund of the amount in question.

8. Accordingly, the Second Appeal is disposed of in above terms with no order as to costs.

9. As the Second Appeal is disposed of, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]