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

**SECOND APPEAL NO.106 OF 2019
WITH
CIVIL APPLICATION NO.1502 OF 2018**

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M/s. Neelkamal Realtors Suburban Pvt. Ltd. ...Appellant
Versus
Shri. Ashish Pandey ...Respondent

Mr. Yohaam Shah and Mr. Hasan Mushabber i/b. Negandhi, Shah & Himayatullah, for the Appellant.

Mr. Jagannath G. Tiwari, for the Respondent.

Mr. Naresh Mane, Authorized Signatory of Appellant present.

Mr. Ashish R. Pandey, Respondent personally present in Court.

CORAM : MADHAV J. JAMDAR, J.

DATED : 11th AUGUST 2023

P.C. :

1. Heard Mr. Yohaam Shah, learned counsel appearing for the Appellant and Mr. Tiwari, learned counsel appearing for the Respondent.

2. Both the learned counsel state that the parties have settled the dispute and accordingly, entered into the Consent Terms. The Consent Terms are signed by Mr. Naresh Mane,

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Authorized Signatory of the Appellant-Company on behalf of the Appellant and Mr. Ashish Pandey, Respondent. Their respective signatures on the Consent Terms are identified by the respective counsel. The Authorized Signatory of the Appellant as well as Mr. Ashish Pandey, Respondent confirm that dispute between the parties is settled in terms of the Consent Terms.

3. Accordingly, the Consent Terms are taken on record and marked "X" for identification. The undertakings given in the Consent Terms are accepted.

4. Learned counsel appearing for the Appellant states that the possession of the flat bearing flat No.805 on 8th Floor, Building No.24 in the project known as "DB Ozone", Mira Road (E), Thane for fit-out purposes will be handed over to the Respondent within a period of eight days from today. Mr. Naresh Mane, the Authorized Signatory, who is present in Court undertakes that within a period of eight days from today, possession of the said flat will be handed over to the Respondent for fit-out purposes.

5. Mr. Yohaam Shah, learned counsel appearing for the

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Appellant states that the Occupation Certificate with respect to said building will be procured as early as possible.

6. Paragraph Nos.8 and 9 of the Consent Terms record that the Appellant has deposited an amount of Rs.2,49,669/- on 10th August 2018 before the Maharashtra Real Estate Appellate Tribunal and also deposited Rs.62,402/- in this Court. The said amounts with accrued interest, if any will be paid to the Appellant only if the Appellant files affidavit in this Court and also before the Maharashtra Real Estate Appellate Tribunal respectively placing on record the receipt of Occupation Certificate with respect to the said flat and building and also by enclosing true copy of such Occupation Certificate.

7. Accordingly, the Second Appeal is disposed of in terms of the Consent Terms and in above terms.

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

[MADHAV J. JAMDAR, J.]