

**BEFORE THE MAHARASHTRA REAL ESTATE
APPELLATE TRIBUNAL, MUMBAI**

MISC. APPLICATION NO. 665 OF 2022 (STAY)

**MISC. APPLICATION NO. 341 OF 2023
(withdrawal of amount)**

**MISC. APPLICATION NO. 342 OF 2023
(Setting aside ex-parte order)**

**MISC. APPLICATION NO. 463/23
(withdrawal of Penalty amt.)**

IN

APPEAL NO. G-02 OF 2022



M/s Navar Goa Enterprises .. Appellant

-VS-

Ann Marie D'Souza .. Respondent

Adv. Mr. Shreyas Moharir for Appellant.

Adv. Ms. Vishnupriya i/b Adv. Mr. Anil D'souza for Respondent.

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

DATE : 1st August, 2023.

(THROUGH VIDEO CONFERENCING)

Learned Advocate Vishnupriya seeks time to file reply to Misc.
Application No. 463/23.

2] Granted as last chance.

gupta



3] Learned Advocate Mr. Shreyas Moharir submits that the Allottee has filed Application for non-compliance of Order and pursuant thereto Mamlatdar of Bardez, North Goa has issued warrant for recovery of amount.

4] It is not in dispute that the Appellant has complied with proviso to Section 43(5) of RERA by depositing amount of interest as well as amount towards penalty. Apart from this, learned Advocate Mr. Shreyas Moharir submits that GoaRERA has recovered penalty amount from the Appellant and therefore the Appellant has moved Misc. Application No. 463/23 for withdrawal of amount of Rs.5,00,000/- deposited towards penalty.

5] Considering the submissions advanced by Advocate Mr. Shreyas Moharir and as the Appellant has complied with the impugned Order by depositing amount towards interest and also amount towards penalty, we are of the view that there is no impediment in staying the impugned Order.

6] Accordingly, the impugned Order dated 15.02.2022 is stayed till disposal of the Appeal.

7] Accordingly, Misc. Application No. 665/22 stands disposed of.

8] Stand over to 25th September, 2023 for filing reply to Misc. Application No. 463/23 and to Appeal.

(DR. K. SHIVAJI)

Certified Copy

(SHRIRAM R. JAGTAP)

MBT

Application Presented on: 23/11/2023

Compared by and on: 23/11/2023

Copy ready on: 23/11/2023

Issued by and on: 23/11/2023

23/11/2023
Maharashtra Real Estate Appellate Tribunal,
Mumbai