

**MAHARASHTRA REAL ESTATE APPELLATE
TRIBUNAL UNDER RERA ACT**

(2)

No.AT006000000000095

M/s. Vinay Unique Developers & Anr.. Appellant/s
V/s.
Gaurav Didwania and Ors. ... Respondent/s

CORAM :Hon'ble Shri K. U. CHANDIWAL, J.
President, Maharashtra Revenue Tribunal,
Mumbai
& I/c. Maharashtra Real Estate Appellate Tribunal
under Maharashtra RERA Act
DATED:-10th April, 2018

:- ORDER :-

Called out at 3.10 PM.

Adv. Smita Vora for the appellant.

Gaurav Didwania the Appellant present in person.

Matter kept back.

Now at 4.15 P.M. Smt. Smita Vora, Advocate for the Appellant and the Respondent Gaurav present

They confirmed the controversy between the parties is settled.

1. That all disputes, differences and grievances between the parties hereto are fully and finally settled and now nothing is required to be paid to



each other and parties have now no cause of action survive against each and also in respect of Flat No. 1006, in Wing 'F' in Sector II at "Hyde Park" in building known as "Vinay Unique Gardens" situated in Virar (West) at District Thane save and except what is stated hereinafter and by making payment of Rs.33,15,000/- (Rupees Thirty Three Lakh Fifteen Thousand Only) and Rs.5,00,000/- (Rupees Five Lakh only) towards the interest and other costs aggregating to Rs.38,15,000/- (Rupees Thirty Eight Lakh Fifteen Thousand only).

2. The Appellant shall be entitled to withdraw Rs.11,85,124/- from RERA Authorities forthwith.

3. Appellant will make a payment of Rs. 28,15,000/- to HDFC Bank against which the Respondent shall procure original Agreement for Sale dated 10th June, 2014 alongwith Foreclosure Letter / No Dues Certificate and the Respondent will procure the original Agreement of Sale and shall hand it over to the Appellant within 15-20 days from the date of the payment. Any shortfall or increases in the amount payable to HDFC Bank Ltd. shall be done by the Respondent.

4. The Appellant and Respondent shall execute a Deed of Cancellation and shall register before the concerned Sub Registrar of Assurances on or before May 4, 2018 and the original documents the original Deed of Cancellation will remain with the Appellants. The charges for registration/cancellation and incidental payments shall be made by Appellants.

6. The parties hereto are at liberty to approach the Hon'ble Appellant Tribunal in case of any obstacles in compliance of this Consent Terms.

7. A written signed compromise petition is also tendered.



8. In the light of above terms between the parties the Appeal no. AT006000000000095 of 2018 is disposed off. The decision in the appeal shall not be used as a Precedent against the Appellant.

9. No costs.



Place: Mumbai (K. U. CHANDIWAL, J.)
Dated: 10th April, 2018 President,
Maharashtra Revenue Tribunal,
Mumbai
& I/c. Maharashtra Real Estate
Appellate Tribunal, (MahaRERA),
Mumbai