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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO. 4036 OF 2022
WITH
WRIT PETITION (L) NO. 26395 OF 2022
WITH
WRIT PETITION NO. 3792 OF 2022
WITH
WRIT PETITION NO. 3826 OF 2022
WITH
WRIT PETITION (L) NO. 26518 OF 2022
WITH
WRIT PETITION (L) NO. 26519 OF 2022
WITH
WRIT PETITION NO. 3824 OF 2022
WITH
WRIT PETITION (L) NO. 30212 OF 2022
WITH
INTERIM APPLICATION NO. 4468 OF 2022
IN
WRIT PETITION NO. 2008 OF 2022
WITH
INTERIM APPLICATION (L) NO. 31651 OF 2022
IN
WRIT PETITION NO. 3085 OF 2022
WITH
INTERIM APPLICATION (L) NO. 31652 OF 2022
IN
WRIT PETITION NO. 3323 OF 2022
WITH
INTERIM APPLICATION (L) NO. 31653 OF 2022
IN
WRIT PETITION NO. 3321 OF 2022
WITH
INTERIM APPLICATION (L) NO. 31654 OF 2022
IN
WRIT PETITION NO. 3325 OF 2022
WITH
INTERIM APPLICATION (L) NO. 31660 OF 2022**

**IN
WRIT PETITION NO. 3312 OF 2022**

CCI Projects Pvt. Ltd.	...	Petitioner/ Applicant
<i>Versus</i>		
Union of India & Ors.	...	Respondents

**WITH
INTERIM APPLICATION NO. 2738 OF 2022
IN
SUIT NO. 143 OF 2022**

Virindra Gurdial Maloni	...	Applicant
<i>Versus</i>		
Rita Shyam Sumaya & Ors.	...	Respondents

Ms. Vinodini Srinivasan a/w Ms. Namrata Solanki for Respondent Nos.3, 4, 6 to 17, 19 to 49 and 53 in WP/2008/2022 (IA./31432/2022) and for Respondent Nos. 3 and 4 in WP/2737/2022 and WPL/26395/2022.

Mr. Bhavesh Wadhwani i/by M. V. Kini & Co. for Respondent No.3 in IAL/31653/2022 in WP/3321/2022 and for Respondent Nos. 3 and 4 in IAL/31654/2022 in WP/3325/2022.

Mr. Chirag Kamdar a/w Mr. Abir Patel, Ms. Lavina Bhargava i/b. M/s. Wadia Ghandy & Co. in WP/3312/2022.

Mr. Abir Patel a/w Ms. Lavina Bhargava i/by M/s. Wadia Ghandy & Co. for the Petitioner in WP/2008/2022, 2737/2022, 2738/2022, 3321/2022, 3325/2022, 3323/2022, 3085/2022, 4036/2022, WPL/30212/2022, 3792/2022, 3824/2022 and WPL/26395/2022.

Ms. Ritika lyer i/by Mr. Anil D'Souza for Respondent 3 in WP/3085/2022, WP/3323/2022.

Mr. Sanjay S. Gawade for Applicant in IA/2738/2022 in S/143/2022.

Mr. Manish Reshim for Respondent No. 3 in WPL/30212/2022.

Mr. Rui Rodrigues a/w Mr. A. J. Jaibhave, Smt. Purnima Awsti for Respondent No.1.

Mr. Aditya R. Deolekar a/w Ms. Shivalee Satam and Mr. Tushar Shah for Respondent Nos. 3 and 4 in WPL/26519/2022.

Mr. Aditya Pratap for Respondent Nos. 3 and 4 in WP/4036/2022.

**CORAM: S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 10th OCTOBER, 2022

P.C. :-

1. The writ petitions are against the order passed by the RERA Appellate Authority directing deposit of the amount as contemplated under the Explanation to Section 43(5) of the Real Estate (Regulatory and Development) Act, 2016 (for short 'RERA Act.').

2. The following amounts are involved in the Writ Petitions :

Sr. No.	Writ Petition (L) No.	Writ Petition No.	Interim Application (L) No.	Amount
1.	11600 of 2022	2008 of 2022	31432 of 2022	Rs. 19,12,04,836/-
2.	1377 of 2022	2737 of 2022	31657 of 2022	Rs. 9,22,884/-
3.	13781 of 2022	2738 of 2022	31655 of 2022	Rs. 19,59,118/-
4.	16806 of 2022	3321 of 2022	31653 of 2022	Rs. 53,02,462/-
5.	16726 of 2022	3325 of 2022	31654 of 2022	Rs. 50,62,469/-
6.	16740 of 2022	3323 of 2022	31652 of 2022	Rs. 20,96,831/-
7.	16727 of 2022	3085 of 2022	31651 of 2022	Rs. 7,40,029/-
8.	16823 of 2022	3312 of 2022	31660 of 2022	Rs. 65,88,513/-
9.	29698 of 2022	4036 of 2022	----	Rs. 3,12,89,670/-
10.	30212 of 2022	(L) 30212 of 2022	----	Rs. 2,48,25,036/-
11.	26396 of 2022	3792 of 2022	----	Rs. 48,97,111/-
12.	26528 of 2022	3824 of 2022	----	Rs. 49,09,261/-
13.	26395 of 2022	(L) 26395 of 2022	----	Rs. 27,04,664/-
14.	26435 of 2022	3826 of 2022	----	Rs. 91,80,766/-
15.	26519 of 2022	(L) 26519 of 2022	----	Rs. 91,74,488/-
16.	26518 of 2022	(L) 26518 of 2022	----	Rs. 4,97,824/-

3. In matters from Sr. Nos.1 to 8, interim orders were passed earlier by this Court in the Writ Petitions filed by the present petitioner. The

operative part of the order reads thus :-

“(i) The Petitioner in all the Writ Petitions are granted three months time to deposit an amount Rs.1,92,02,068/- before the Appellate Tribunal in the following manner:-

(a) The Petitioner shall deposit Rs.75 Lakhs within four weeks from today.

(b) The remaining amount shall be deposited within three months from today.

(ii) In the event, the Petitioner commits default of any one installment as directed above, the Appeal pending before the Appellate Tribunal be dismissed.

(iii) The Petitioner shall not create any third party right, title or interest nor shall part with possession, in respect of the shops which are mentioned in Paragraph 7 of the said order dated 6 May 2022.

(iv) In the event, the Petitioner is desirous of selling aforesaid four shops or any of them, then the Petitioner is at liberty to take out appropriate Interim Application.”

4. The learned counsel for the applicant submits that the applicant has deposited an amount of Rs.6,00,00,000/- and odd with the Appellate Authority. The amount yet to be deposited in all these matter is approximately Rs.23,32,00,000/-. The learned counsel for the applicant submits that the said amount could not be deposited as the applicant could not sale the flats, which the applicant was permitted to. So also, the finance could not be raised because of the circumstances beyond its control.

5. The learned counsel for the non applicants submit that initially also the applicant was granted time to deposit the amount. The applicant has breached its own undertaking. The result of the applicant not depositing the amount is the dismissal of the appeal before the

RERA Appellate Authority. If further time is granted to applicant, the same would result in reviving the appeal. No sufficient cause is spelt out in the application for extension of time to the applicant to deposit the amount.

6. We have considered the submissions canvassed by the learned counsel for the respective parties. In Writ Petitions from Sr. Nos. 1 to 8, the petitioner was permitted to deposit the amount by installments as per the order reproduced *supra*. In Writ Petitions from Sr. Nos. 9 to 16, the petitioner had not assailed the order earlier directing pre-deposit of the amount. For the first time, the petitioner has filed the present petitions and seeks installments to pay the amount.

7. The undertaking given to the Court certainly has to be complied with. We have granted three months time to applicant to deposit the amount under our earlier order. The learned counsel for the applicant has requested for eight weeks more time to deposit the amount.

8. Considering the difficulties expressed and details in the petitions and the applications, we are inclined to grant one last opportunity to the applicant to deposit the amount. The time period granted to the petitioner to deposit the amount under our earlier order dated 7th July, 2022 shall stand extended till 10th November, 2022. Save and except the extension of time granted to the applicant to deposit the amount, all other conditions of the order dated 7th July, 2022 reproduced *supra* shall remain the same. The result of non depositing of the entire amount by 10th November, 2022, would entail dismissal of the appeal filed by the appellant before the Appellate Tribunal.

9. The same clauses that were operative in the order dated 7th July, 2022 reproduced *supra* would also apply to the writ petitions from Sr. Nos. 9 to 16.

10. All Writ Petitions and Interim Applications are disposed of.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]