

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2342 OF 2023**

Ultra Lifespace Pvt Ltd

...Petitioner

Versus

State of Maharashtra through the office of ...Respondents
Government Pleader & Ors

Mr Mohit Advani, *with Rupali Padgulekar, i/b Naresh Pai, for the
Petitioner.*

Mr Saurabh Butala, *i/b Anwar Landge, for Respondent No. 3.*

Mr VM Mali, AGP, *for the Respondent-State.*

**CORAM G.S. Patel &
 Neela Gokhale, JJ.**

DATED: 10th April 2023

PC:-

1. By consent, the impugned order dated 11th November 2022 of the RERA Appellate Tribunal is quashed and set aside.

2. The parties will proceed to a final hearing which is scheduled for 13th June 2023.

3. During the course of Appeal, it is open to the Respondent to the Appeal to make an application even orally that the Appellants should be required to pay compensation or deposit or furnish

SHEPHALI
SANJAY
MORMARE

Digitally signed by
SHEPHALI SANJAY
MORMARE
Date: 2023.04.11
10:02:19 +0530

financial security to cover the claim of the Respondents. Any such claim, if made, will be decided on its own merits.

4. We clarify that such a claim is not to be entertained as a matter of reviewing the previous order for compulsory 'pre-deposit', i.e., as a condition precedent to the hearing of the appeal, but as an application for further payment or security on merits if permissible in law.

5. All contentions are left open.

(Neela Gokhale, J)

(G. S. Patel, J)