
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.16227 OF 2024

Capri Global Capital Limited

.. Petitioner

Versus

The Maharashtra Real Estate Regulatory
Authority & Ors.

.. Respondents

Mr. Sharan Jagtiani, Senior Counsel a/w Mutahhar Khan, Vishal Maheshwari, Kamini Pansare, Shrishty Punjabi, Mihir Beradia i/b VM Legal, Advocates for the Petitioner.

Mr. M. M. Pabale, AGP for Respondent No. 2-State.

Mr. Harshad Bhadbhade a/w Padma Chinta, Shagufa Patel, Advocates for Respondent Nos. 3 to 9.

Mr. Jehaan Mehta a/w Chetan Mhatre i/b LPJ & Partners, Advocates for Respondent No. 10.

Mr. Satyajeet P. Dighe, Advocate for Respondent Nos. 11 to 14.

Mr. Amol Walawalkar, representative of the Petitioner, present in Court.

**CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : NOVEMBER 11, 2024

P. C.

1. The above Writ Petition is filed seeking quashing of impugned order dated 21st October 2024 passed by the Maharashtra

Real Estate Regulatory Authority (for short '**MahaRERA**'). A direction is also sought to adjudicate complaint number CC No.12400225 of 2024 as well as the Interim Application filed therein.

2. After the Petition was argued for some time, with the consent of the petitioner and Respondent Nos.3 to 9, and who are the main contesting respondents in the present petition, the following order is passed:-

- A. By consent of the Petitioner and Respondent Nos.3 to 9 the impugned order dated 21st October 2024 is hereby quashed and set aside.
- B. Mr.Jagtiani, the learned senior counsel appearing on behalf of the Petitioner, on instructions, states that the Petitioner will not proceed with the securitization measures initiated by the Petitioner against the impugned project, and if any order is passed by the Magistrate under Section 14 of the SARFAESI Act, 2002 (in an Application which is already pending), the same shall not be acted upon till the final decision of the pending Interim Application in CC No.12400225. The said statement is accepted as an undertaking given to the Court.

- C. The MahaRERA is requested to decide the Interim Application filed by Respondent Nos. 3 to 9 herein on its own merits and after giving a hearing to all the parties before it. All the contentions of all the parties are expressly kept open to be decided by MahaRERA.
- D. The Petitioner, Respondent No.10, as well as Respondent Nos.11 to 14 shall file their affidavit-in-reply to the said pending Interim Application within a period of 2 weeks from today.
- E. In the affidavit to be filed by Respondent No.10, it shall disclose the list and contact details of flat purchasers including the date of the agreements and their registration as well as Project Professionals, Status of the Project and the estimated cost of the balance work. They shall also disclose the money collected and balance to be collected from the flat purchasers, if any.
- F. Respondent Nos.3 to 9 shall file their affidavit-in-rejoinder, if any, within a period of 2 weeks after receipt of the copy of the reply from the respective parties.
- G. The MahaRERA is requested to hear and decide the Interim Application filed by Respondent Nos. 3 to 9 as expeditiously as

possible and preferably within a period of 8 weeks from the date of the pleadings being completed before MahaRERA.

H. In case the order of MahaRERA [in the said pending Interim Application] is against Respondent Nos.3 to 9, then the interim arrangement, as stated earlier in this order, shall continue for a period of 2 weeks to enable Respondent Nos. 3 to 9 to take appropriate steps, if so advised.

2. The above Writ Petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

3. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN,J.]

[B. P. COLABAWALLA, J.]