

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SECOND APPEAL (STAMP) NO.11530 OF 2024

NNP Buildcon Pvt. Ltd. ...Appellant

Versus

Surabhi Bansal ...Respondents

WITH

SECOND APPEAL (STAMP) NO.2922 OF 2024

NNP Buildcon Pvt. Ltd. ...Appellant

Versus

Rohit Wattamwar & Anr. ...Respondents

WITH

SECOND APPEAL (STAMP) NO.8634 OF 2024

NNP Buildcon Pvt. Ltd. ...Appellant

Versus

Girish Deore and Anr. ...Respondents

WITH

SECOND APPEAL (STAMP) NO.5265 OF 2024

NNP Buildcon Pvt. Ltd. ...Appellant

Versus

Avinash Kadam and Anr. ...Respondents

WITH

SECOND APPEAL (STAMP) NO.3166 OF 2024

NNP Buildcon Pvt. Ltd. ...Appellant

Versus

Guruprasad Bidikar and Anr. ...Respondents

WITH

SECOND APPEAL NO.81 OF 2024

NNP Buildcon Pvt. Ltd. ...Appellant

Versus

Vijay Nilkanth Chimurkar and Anr. ...Respondents

WITH

SECOND APPEAL NO.82 OF 2024

NNP Buildcon Pvt. Ltd. ...Appellant

Versus

Rajeshkumar Mahendra Vaja ...Respondent

WITH

SECOND APPEAL NO.83 OF 2024

NNP Buildcon Pvt. Ltd. ...Appellant

Versus

Vivek Vaidya and Anr. ...Respondents

WITH

SECOND APPEAL NO.115 OF 2024

NNP Buildcon Pvt. Ltd. ...Appellant

Versus

Nitin Soni ...Respondents

WITH

SECOND APPEAL NO.116 OF 2024

NNP Buildcon Pvt. Ltd. ...Appellant

Versus

Reena Khandelwal ...Respondents

WITH

**INTERIM APPLICATION (STAMP) NO.9476 OF 2024
IN**

SECOND APPEAL (STAMP) NO.9474 OF 2024

NNP Buildcon Pvt. Ltd. ...Appellant

Versus

Ajay Narayan Joshi ...Respondents

...

Mr. Akshay Doctor with Mr. Rishir Daulat, Ms Rhia Mehta, Ms Shruti Shirke i/b. M/s. TRD Associates.

Mr. Omkar Kudale with Mr. Nikhil Dongre for the Respondents.

CORAM : SANDEEP V. MARNE, J.

DATED : 26 APRIL 2024.

PC:

1. Some of the Second Appeals are not on board. They are taken on board considering the fact that similar second appeals are already admitted.

2. It appears that similar Second Appeals are already admitted by order dated 19 January 2024 and 30 January 2024. Accordingly, the above second appeals are admitted by formulating following substantial questions of law:-

- i) Whether on a fair and true interpretation of Section 15(1) of the Act, does the ability to bind the minority extend even to the terms of the transfer of promoter?
- ii) Whether on a harmonious interpretation of Sections 15(1) and 15(2) of the Act and the proviso thereto the said provisions would apply only in a situation where the consent of the Majority Allotees does not expressly provide for the modified terms applicable to the transferee/ assignee promoter?
- iii) Whether the minority non-consenting allottees who benefit from the induction of a promoter to complete the project are precluded/estopped from assailing the terms of the transfer/ assignment so as to claim compensation under the Act by alleging violation of the original terms agreed between the original promoter and the allottees?
- iv) Whether, properly understood, Section 15 of the Act understands or permits the concept of novation i.e., of the

terms of allotment, even between individual allottees and the promoter subject to the Majority Allottees so agreeing?

- v) Whether the Respondent, having failed to adopt any proceedings or complaint under the Act against the approval granted under Section 15 being granted pursuant to the acceptance of the said Proposal by the Majority Allottees, has granted its acquiescence to the said Proposal and the same is deemed to have been accepted?

3. Mr. Kudale, the learned Advocate waives service on behalf of the Respondents.

4. Printing is dispensed with. Appellants to submit common private paper book on the next date of hearing.

5. List the Second Appeals alongwith other connected second appeals for hearing on **8 May 2024** high on board.

[SANDEEP V. MARNE, J.]