

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO. 81 OF 2024**

NNP Buildcon Pvt. Ltd. ....Appellant  
V/s.  
Vijay Nilkanth Chimurkar and Anr. ....Respondents

**WITH**

**SECOND APPEAL NO. 115 OF 2024**

NNP Buildcon Pvt. Ltd. ....Appellant  
V/s.  
Nitin Soni ....Respondent

**WITH**

**INTERIM APPLICATION NO. 11445 OF 2024**

Nitin Soni ....Applicant  
V/s.  
NNP Buildcon Pvt. Ltd. ....Respondent

**WITH**

**SECOND APPEAL NO. 116 OF 2024**

NNP Buildcon Pvt. Ltd. ....Appellant  
V/s.  
Reena Khandelwal ....Respondent

**WITH**

**INTERIM APPLICATION NO. 11446 OF 2024**

Reena Khandelwal ....Applicant  
V/s.  
NNP Buildcon Pvt. Ltd. ....Respondent

**WITH**

**SECOND APPEAL NO. 285 OF 2024**

NNP Buildcon Pvt. Ltd. ....Appellant  
V/s.

(Note: This order is corrected vide Order dated 13 November 2024.)

Rohit Ramakant Wattamwar **....Respondent**  
**WITH**  
**INTERIM APPLICATION NO. 11459 OF 2024**

Rohit Wattamwar **....Appellant**  
**V/s.**  
NNP Buildcon Pvt. Ltd. **....Respondent**

**WITH**  
**INTERIM APPLICATION NO. 8533 OF 2024**  
**IN**  
**SECOND APPEAL NO. 285 OF 2024**

NNP Buildcon Pvt. Ltd. **....Applicant/Appellant**  
**V/s.**  
Rohit Ramakant Wattamwar **....Respondent**

**WITH**  
**SECOND APPEAL NO. 82 OF 2024**

NNP Buildcon Pvt. Ltd. **....Appellant**  
**V/s.**  
Rajeshkumar Mahendra Vaja **....Respondent**

**WITH**  
**INTERIM APPLICATION NO. 11455 OF 2024**

Rajeshkumar Vaja **....Applicant**  
**V/s.**  
NNP Buildcon Pvt. Ltd. **....Respondent**

**WITH**  
**SECOND APPEAL NO. 83 OF 2024**

NNP Buildcon Pvt. Ltd. **....Appellant**  
**V/s.**  
Vivek Roasaheb Vaidya and Anr. **....Respondents**

**WITH**  
**SECOND APPEAL NO. 286 OF 2024**

**(Note:** This order is corrected vide Order dated 13 November 2024.)

NNP Buildcon Pvt. Ltd. ....Appellant  
V/s.  
Guruprasad Bidikar and Anr. ....Respondents

**WITH  
INTERIM APPLICATION NO. 8547 OF 2024  
IN  
SECOND APPEAL NO. 286 OF 2024**

NNP Buildcon Pvt. Ltd. ....Applicant/Appellant  
V/s.  
Guruprasad Bidikar and Anr. ....Respondents

**WITH  
INTERIM APPLICATION NO. 11461 OF 2024**

Guruprasad Bidikar ....Applicant  
V/s.  
NNP Buildcon Pvt. Ltd. ....Respondent

**WITH  
INTERIM APPLICATION NO. 8547 OF 2024  
IN  
SECOND APPEAL NO. 286 OF 2024**

NNP Buildcon Pvt. Ltd. ....Applicant  
V/s.  
Guruprasad Bidikar & Anr. ....Respondents

**WITH  
INTERIM APPLICATION NO. 8533 OF 2024  
IN  
SECOND APPEAL NO. 285 OF 2024**

NNP Buildcon Pvt. Ltd. ....Applicant/Appellant  
V/s.  
Rohit Ramakant Wattamwar ....Respondent

**WITH  
SECOND APPEAL NO. 287 OF 2024**

NNP Buildcon Pvt. Ltd. ....Appellant

(Note: This order is corrected vide Order dated 13 November 2024.)

**V/s.**  
Avinash Kadam **....Respondent**

**WITH**  
**INTERIM APPLICATION NO. 11471 OF 2024**

Vijaylaxmi Kadam **....Applicant**  
**V/s.**  
NNP Buildcon Pvt. Ltd. **....Respondent**

**WITH**  
**INTERIM APPLICATION NO. 8542 OF 2024**  
**IN**  
**SECOND APPEAL NO. 287 OF 2024**

NNP Buildcon Pvt. Ltd. **....Applicant**  
**V/s.**  
Mr. Avinash Kadam **....Respondent**

**WITH**  
**SECOND APPEAL (ST) NO. 8634 OF 2024**

NNP Buildcon Pvt. Ltd. **....Appellant**  
**V/s.**  
Girish Vishvas Deore **....Respondent**

**WITH**  
**INTERIM APPLICATION NO. 11448 OF 2024**

Girish Vishvas Deore **....Applicant**  
**V/s.**  
NNP Buildcon Pvt. Ltd. **....Respondent**

**WITH**  
**INTERIM APPLICATION NO. 8534 OF 2024**

NNP Buildcon Pvt. Ltd. **....Applicant**  
**V/s.**  
Girish Vishvas Deore **....Respondent**

**WITH**  
**SECOND APPEAL (ST) NO. 9474 OF 2024**

NNP Buildcon Pvt. Ltd. **....Appellant**

**(Note:** This order is corrected vide Order dated 13 November 2024.)

**V/s.**  
Ajay Narayan Joshi **....Respondent**

**WITH**  
**INTERIM APPLICATION NO. 11449 OF 2024**

Ajay Narayan Joshi **....Applicant**  
**V/s.**  
NNP Buildcon Pvt. Ltd **....Respondent**

**WITH**  
**INTERIM APPLICATION NO. 8580 OF 2024**

NNP Buildcon Pvt. Ltd. **....Applicant**  
**V/s.**  
Ajay Narayan Joshi **....Respondent**

**WITH**  
**INTERIM APPLICATION NO. 8553 OF 2024**

NNP Buildcon Pvt. Ltd. **....Applicant**  
**V/s.**  
Ajay Narayan Joshi **....Respondent**

**WITH**  
**SECOND APPEAL (ST) NO. 11530 OF 2024**

NNP Buildcon Pvt. Ltd. **....Appellant**  
**V/s.**  
Surbhi Bansal **....Respondent**

**WITH**  
**INTERIM APPLICATION NO. 11447 OF 2024**

Surbhi Bansal **....Applicant**  
**V/s.**  
NNP Buildcon Pvt. Ltd. **....Respondent**

**WITH**  
**INTERIM APPLICATION NO. 8573 OF 2024**

**(Note:** This order is corrected vide Order dated 13 November 2024.)

NNP Buildcon Pvt. Ltd.  
V/s.  
Surbhi Bansal

....**Applicant**  
....**Respondent**

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**Mr. Akshay Doctor** *a/w Mr. Rishir Daulat a/w Ms. Rhia Mehta, Ms. Shruti Shirke, Ms. Sakshi Kapadia i/b TRD Associates, for the Applicants/Appellants.*

**Mr. Omkar Kudale** *a/w Mr. Nikhil Dongre, for the Respondents.*

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**CORAM : SANDEEP V. MARNE, J.**

**DATE : 22 OCTOBER 2024.**

**P.C. :**

1) These Applications are filed seeking a direction against the Appellant to deposit the admitted amount in this Court as stated in the chart attached to the email dated 15 May 2023.

2) This Court has already admitted the Second Appeals by framing substantial questions of law and has stayed the orders passed by the Appellate Tribunal during pendency of the Appeals. Since the prayers made in the Application amount to modification of the interim stay orders passed by me, the Court having assignment of Second Appeals has granted liberty to the Applicants to move the present interim applications before me. This is how the interim applications are placed before me.

3) It appears that the Appellant has taken over the project from the earlier developer and made certain offers to the flat purchasers, who had booked the flats. For those who were not willing to continue in the project were given an option on 21 August 2018 to

**(Note:** This order is corrected vide Order dated 13 November 2024.)

quit the project and the Appellant had shown willingness to refund the entire payment paid by them. It appears that the majority of the flat purchasers have accepted the terms and conditions of offer made by the Appellant for execution of the project. Respondents are the one who belong to minority group, to whom the terms and conditions of offer made by the Appellant are not acceptable. This is the reason why the Respondents approached the regulatory authority and thereafter filed Appeals before the Appellate Tribunal. The Appellate Tribunal has allowed the Appeals filed by Respondents by directing refund of the entire amounts paid by them together with interest at the rate of SBI marginal rate + 2% from the date of payments made by them. The decision of the Appellate Tribunal is under challenge in the present Second Appeals.

4) Since this Court has stayed the orders passed by the Appellate Tribunal, Respondents desire deposit of amounts arising out of the orders passed by the Appellate Tribunal. However instead of praying for deposit of the entire amount arising out of orders passed by the Appellate Tribunal, it appears that a without prejudice offer was made by the Appellant to Respondents on 15 May 2023 under which various amounts as indicated in the attachment to the said email were offered to be refunded to the Respondents. It appears that the said offer was not accepted by the Respondents. Now Respondents seek deposit of those offered amounts during pendency of the Appeals.

5) After having considered the submissions canvassed by the learned counsel appearing for parties, in my view, ends of justice would meet if Appellants are directed to deposit in this Court the entire paid amounts by the Respondents together with interest at  
(**Note:** This order is corrected vide Order dated 13 November 2024.)

the rate of 8% per annum from 21 August 2018. The date of 21 August 2018 for payment of interest is indicated as the Appellants had offered to repay the entire paid amounts to the Respondents (without interest) on 21 August 2018 and while several flat purchasers accepted the said offer, the Respondents have chosen to litigate further.

6) I accordingly proceed to pass the following order:

a) Appellant shall deposit entire amounts paid by the Respondents in respect of their respective flats together with interest at the rate of 8% per annum from 25 August 2018 in this Court on or before 31 December 2024.

b) The interim orders passed in the Appeals shall continue to operate subject to the above deposit being made.

(c) Upon deposit of the amount as indicated in Clause (a) above, the Appellants shall be free to deal with the flats booked by the Respondents and if necessary, the Respondents shall execute necessary documents in favour of the Appellants for cancellation of their bookings in respect of their respective flats.

7) With the above directions the Interim Applications are **disposed of**.

**[SANDEEP V. MARNE, J.]**

(Note: This order is corrected vide Order dated 13 November 2024.)