

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 SoniRespondent

WITH

INTERIM APPLICATION NO. 11445 OF 2024

Nitin SoniApplicant
V/s.
NNP Buildcon Pvt. Ltd.Respondent

WITH

SECOND APPEAL NO. 116 OF 2024

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

WITH

INTERIM APPLICATION NO. 11446 OF 2024

Reena KhandelwalApplicant
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 BidikarApplicant
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 WattamwarRespondent

**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

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.*

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
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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.]

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