

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3610 OF 2025

Mahimkar Builders And Developers	...Petitioner
Versus	
The Maharashtra Real Estate Regulatory Authority & Ors.	...Respondents

Adv. Sejal Patil i/b Yash Vyas for Petitioner.

Mr. Manish Gala i/b Law Square for Respondent No.2.

Mr. Rahul Prajapati i/b Mr. Nainesh Amin for Respondent No.5.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE: 10 MARCH 2025

P.C.

1. This petition under Article 226 of the Constitution of India is filed
praying for the following substantive reliefs:

"(a) That this Hon'ble Court be pleased to issue a writ of mandamus or any other writ, order or direction in the nature of mandamus, directing the Hon'ble Respondent No.3 Authority to unfreeze and restore access to all bank accounts of the Petitioner after examining the legality and propriety of the Orders dated 09th November 2024;

(b) That this Hon'ble Court be pleased to issue a Writ of mandamus or any other writ, order or direction in the nature of mandamus, directing the Hon'ble Respondent No.1 Authority to hear the Appeal on behalf of the Petitioner with an exemption to the compliance of Section 43(5) of the RERA Act;"

2. The respondent No.3 Office of Collector and District Magistrate, Mumbai has taken action to implement the order which is passed by Respondent No.1 - The Maharashtra Real Estate Regulatory Authority whereby, recovery is ordered against the petitioner in the proceedings filed by Respondent No.2. The order passed by Respondent No.1 is valid and subsisting. Thus, if there is a non-compliance of the said order, necessarily, the Revenue Machinery available under the MLRC which is to be executed by Respondent No.3, would be required to be set into motion.

3. We do not find that there is anything illegal in the Respondent in taking any action to implement the orders passed by Respondent No.1. If at all the petitioner is aggrieved by orders passed by Respondent No.1, the petitioner has appropriate remedies as available in law.

4. The petition is accordingly misconceived and is dismissed. No costs.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)