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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 180 OF 2025
WITH
INTERIM APPLICATION NO. 3059 OF 2025

Savita Homemakers LLP ... Appellant/Applicant
Vs.
Shivanand Subhash Katakdhond ... Respondents
and Others

WITH
SECOND APPEAL NO. 181 OF 2025
WITH
INTERIM APPLICATION NO. 3060 OF 2025

Savita Homemakers LLP ... Appellant/Applicant
Vs.
Mayur Ramchandra Akhade ... Respondent

Mr. Anil Sakhre, Senior Advocate a/w. Mr. Mohit Bhansali and Ms.
Sushma Soni for the Appellant.
Ms. Padma Chinta a/w. Mr. Anwar Landge for the Respondents.

CORAM : GAURI GODSE, J.

DATE : 12th MARCH 2025

ORDER :

1. These appeals are preferred to challenge order dated
10th October 2024 and 12th December 2024 directing the appellant

to make necessary compliance in terms of Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 ("RERA"). The grievance of the appellant is in respect of the directions issued in clause (2) of order dated 10th October 2024 directing the appellant to deposit the amount as per the orders impugned before the RERA Appellate Tribunal alongwith interest as per prescribed rate till the date of deposit.

2. Learned senior counsel appearing for the appellant submits that after the appeals were filed the amount as per the orders impugned before the Appellate Tribunal are already paid as per the warrant issued in the execution proceeding. He submits that an affidavit dated 5th March 2025 is filed before the RERA Appellate Tribunal regarding compliance of the orders that are impugned in the appeals. He therefore submits that the payments already made by the appellant can be considered as due compliance of the statutory requirement under Section 43(5) of the RERA.

3. Since the compliance is already made and necessary affidavits are already filed before the RERA Appellate Tribunal, the appellant's contention in these appeals that the payments made by the appellant can be considered as due compliance required under Section 43(5) can be better examined and considered by the RERA

Appellate Tribunal before whom appeals are pending.

4. The ground raised regarding interpretation of the directions issued in the order dated 10th October 2024 directing the appellants to pay interest as per prescribed rate till the date of deposit can therefore be considered by the RERA Appellate Tribunal, in view of the affidavits dated 5th March 2025 which are already filed.

5. Learned counsel appearing for the respondents supports the impugned orders that directs the appellant to pay interest as per prescribed rate till the date of deposit. This objection can also be considered by the RERA Appellate Tribunal while considering the appellant's request to accept the payments already made as necessary compliance under Section 43(5) of the RERA.

6. In view of the aforesaid subsequent developments, the appeals are disposed of by passing following order :

(i) The RERA Appellate Tribunal shall consider and decide the appellant's prayer to accept the payments already made as stated in the affidavits dated 5th March 2025, as due compliance under Section 43(5) of the RERA.

(ii) The request of the appellant by way of affidavits dated 5th March 2025 shall be decided after considering the rival

submissions on the interpretation of clause (2) of the order dated 10th October 2025.

(iii) The rival contentions of the parties on the interpretation of clause (2) of order dated 10th October 2024 is kept open to be decided by the RERA Appellate Tribunal.

(iv) Both the appeals are partly allowed in the aforesaid terms.

(v) In view of disposal of the appeals, interim applications are disposed of as infructuous.

[GAURI GODSE, J.]