

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 345 OF 2025
WITH
INTERIM APPLICATION (ST) NO. 20250 OF 2025

Macrotech Developers Ltd. ...Appellant
Versus
Sepctrum Dyes And Chemical Pvt. Ltd ...Respondent

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WITH
SECOND APPEAL (ST) NO. 17833 OF 2025
WITH
INTERIM APPLICATION (ST) NO. 20248 OF 2025

Macrotech Developers Ltd. ...Appellant
Versus
Pratibha Fabrics Ltd. ...Respondent

Mr. Amogh Singh a/w Mr. Rahul Arora, Akash Gupta i/b Jeet Gandhi for
the Appellant.
Mr. Avadhut Bidaye for Respondent.

CORAM : M.M. SATHAYE, J.
DATE : 25th JUNE, 2025

P.C. :

1. Second Appeal (St) No. 17833 of 2015 and Interim Application (St.) No. 20248 of 2005 are not on board. The same are taken on board.
2. Learned Counsel for the Appellant/Developer submits that the common impugned order directs the Developer to pay interest from 01.09.2016 to 29.01.2018, even after the Appellant/Developer has voluntarily given offset of amounts which were calculated for delayed

possession. He submits that Respondents/allottees have taken over possession of the subject flats without any protest and having availed the facility of offset, they are not entitled to any additional interest as per impugned order. He submits that the possession letters executed by the allottees record that allottees have no complaint or grievance or claim and in absence of any pleadings challenging the recitals of possession letters, the same has been held as unreasonable, unconscionable and unintentional. He submits that therefore the impugned orders cannot be sustained.

3. Learned Counsel for the Respondents/allottees submits on instructions that the Respondents have not filed any execution so far, and in case the execution is to be filed, 15 days notice will be given to the Appellant. Statement accepted.

4. Stand over to 16.07.2025.

5. The Appellant is directed to calculate the amounts payable under the impugned order in both the Appeals. Learned counsel for the Appellant submits that he will inform the amounts, so calculated, to the Court and also share them with the learned advocate for the Respondents.

(M.M. SATHAYE, J.)