

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.235 OF 2025
WITH
INTERIM APPLICATION NO.3985 OF 2025
IN
SECOND APPEAL NO.235 OF 2025

Kshitija Infrastructure Private Limited	...Appellant
<u>In the matter between:</u>	
Kshitija Infrastructure Private Limited	...Applicant
<i>Versus</i>	
Jeneesh Mulchand Gala & Ors.	...Respondents

Mr. Cyrus Ardeshir, Senior Advocate a/w Mr. Amrut Joshi a/w Mr. Ravi Gandhi a/w Mr. Sunit Pillay a/w Mr. Vrishit Nandu i/b Kanga & Co., for the Appellant/Applicant.

Mr. Shakeeb Shaikh i/b Ms. Urvashi Haryan, for the Respondents.

CORAM: MADHAV J. JAMDAR, J.

DATED: 31st JULY 2025

P.C.:

1. Heard Mr. Ardeshir, learned Senior Counsel appearing for the Appellant and Mr. Shaikh, learned Counsel appearing for the Respondents.

2. The challenge in this Second Appeal is to the order dated 29th January, 2025 passed by the learned Maharashtra Real Estate Appellate Tribunal, Mumbai ("Appellate Tribunal") in M.A. No.739 of 2023 in Appeal No.AT006000000194802 of 2023. The challenge in the said Appeal before the learned Appellate Tribunal is to the order dated 28th November, 2023 passed by the learned Chairperson, MahaRERA in Complaint No.CC006000000374808.

3. Both, Mr. Ardeshir, learned Senior Counsel and Mr. Shaikh, learned Counsel, on instructions of Appellant and the Respondents, respectively, state that parties have resolved the dispute and the Second Appeal be disposed of by consent of the parties.

4. Accordingly, the Second Appeal is disposed of by passing following order, by consent of the parties.

- (i) The Appellant - Kshitija Infrastructure Private Limited, shall hand over to the Respondents possession of the subject flat, i.e. Flat No.1102, located in 'E' Wing, 11th Floor, Laxmi Niwas Building, N. M. Joshi Marg, Byculla, Mumbai - 400 027 on or before 10th August, 2025.
- (ii) The Respondents shall deposit an amount of Rs.1,00,000/- in the account of the Appellant on or before 7th August, 2025.
- (iii) The Appellant shall pay maintenance charges pertaining to the said flat to the Laxmi Residency CHSL, Byculla, Mumbai, till the period upto handing over of the said flat, on or before 18th August, 2025.
- (iv) The Appellant is at liberty to withdraw the amount of Rs.27,10,752/-, along with accrued interest, if any, which has been deposited before the learned Appellate

Tribunal by the Respondents. However, the learned Appellate Tribunal shall allow said withdrawal only after being satisfied that possession of the subject flat has been handed over to the Respondents and that amount of maintenance charges pertaining to said flat are paid by the Appellant to the said Laxmi Residency CHSL, allow the Appellant to withdraw the said amount of Rs.27,10,752/- with accrued interest, if any, deposited by the Respondents in the learned Appellate Tribunal.

5. Both the learned Counsel, on instructions, state that the entire dispute between the parties is resolved in above terms.

6. In view of resolution of dispute between the parties, the order dated 28th November, 2023 passed by the learned Chairperson, MahaRERA in Complaint No. CC006000000374808 as also order dated 29th January, 2025 passed by the learned Maharashtra Real Estate Appellate Tribunal, Mumbai in M.A. No.739 of 2023 in Appeal No. AT006000000194802 of 2023 are quashed and set aside and said Complaint No. CC006000000374808 is disposed of in above terms with consent of the parties.

7. Accordingly, Second Appeal is disposed of in above terms with no order as to costs.

8. In view of disposal of the Second Appeal, nothing survives in the Interim Application and the same is also disposed of.

9. This Court places on record, the appreciation of the efforts taken by Mr. Cyrus Ardeshir, learned Senior Counsel and Mr. Shakeeb Shaikh, learned Counsel, to resolve the dispute amicably between the parties.

[MADHAV J. JAMDAR, J.]