

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO. 358 OF 2025
WITH
INTERIM APPLICATION NO. 8898 OF 2025**

APL Yashomangal Developers ...Appellant
Versus
Mahadeo Nalawade & Ors. ...Respondents

Mr. Shashwat Rai i/b. Keystone Partners for the Appellant

CORAM : M. M. SATHAYE, J.

DATED : 17th JUNE, 2025

P.C.:

1. Heard learned Counsel for the Appellant – Developer
2. The Appeal is filed under section 58 of the Real Estate (Regulation And Development) Act, 2016 (for short “the said Act”) challenging the order of the Maharashtra Real Estate Appellate Tribunal, Mumbai, by which the order of the Adjudicating Officer (AO) granting payment of the interest to the allottees is confirmed.
3. Learned Counsel for the Appellant invited this Court’s attention to the written submissions filed by the Appellant before the Appellate Authority, in which specific contention was raised that the copies of the affidavits filed by the Complainant Nos. 3, 10, 11, 13, 14 and 17 were not provided/served

upon the Appellant and they were filed after completion of final argument and therefore the impugned order is passed in violation of the principle of natural justice. The attention of the Court is also invited to the specific ground (vii) of the Appeal Memo filed before the Appellate Authority.

4. Perused the impugned order. Apparently this aspect does not seem to have been considered. Paragraph 10 of the order of AO has considered the affidavits of the allottees.

5. Hence, issue notice for final disposal to the Respondents, returnable on 12/08/2025. In addition to the Court's notice private notice is permitted.

6. The Court is informed that the Appellant has deposited 30% amount as per proviso of Section 43(5) of the said Act, which is lying in the Appellate Tribunal at Mumbai. Learned counsel for the Appellant submits on instructions that the Appellant is willing to deposit remaining amount in this Court to complete the outstanding amount as on today.

7. Therefore, subject to condition of the Appellant depositing in this Court, the entire amount payable under the Order dated 09/03/2018 passed by the Adjudicating Officer, MahaRERA, Mumbai in Complaint No. CC005000000000026, with interest as on today, after adjusting the amount already deposited in the Appellate Tribunal (with accrued interest), within a

period 8 weeks from today, the said Order dated 09/03/2018 shall remain stayed till the next date. It is clarified that interest accrued on the amount deposited in Appellate Tribunal can be adjusted.

(M. M. SATHAYE, J.)