

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 730 OF 2024

Shree Siddhivinayak Infrastructure And Realty ...Petitioner

Versus

Maharashtra Real Estate Regulatory Authority ...Respondent

Mr. Dharam Jumani, a/w Adv. Sakina Kothari, for Petitioner.

Mr. Manish Gala, a/w Adv. Minil Shah i/b Adv. Nilesh Gala,
for Respondent Nos. 2 and 3.

**CORAM : M.S. Sonak &
Advait M. Sethna, JJ.**

DATED : 19 September 2025

P.C.:-

1. Heard learned counsel for the parties.
2. After this matter was argued for some time, given the objection raised on behalf of the respondents about the availability of alternate remedies, the learned counsel for the Petitioner, based on instructions, seeks leave to withdraw this petition with liberty to file an Appeal against the impugned order dated 22 April 2024 passed by the Maharashtra Real Estate Appellate Tribunal ("**Tribunal**").
3. The learned counsel for the petitioner states that an Appeal would be filed within a period of three weeks from

the date of uploading of this order and requests that some directions may be issued for deciding the Appeal on merits without advertng to the issue of limitation since the Petitioners were pursuing this Petition. On instructions, learned counsel for the Petitioner agrees that the Petitioner would pay the total costs of Rs. 50,000/- to Respondents Nos. 2 and 3 in equal proportion within a period of one week from today or at least before the institution of the appeal within the time now indicated.

4. The above statements are accepted as statements made to this Court. Suppose an appeal is indeed instituted within a period of three weeks from the date of uploading of this order. In that case, the Tribunal should consider the appeal on its merits without regarding the issue of limitation. This is because the Petitioners were pursuing this petition before this Court up to this stage.

5. The learned counsel for the parties point out that there is a condition of pre-deposit under section 43(5) for the Tribunal to entertain the Appeal. They point out that the coordinate Bench, by its order dated 2 July 2025 in Writ Petition (L) No.16179 of 2025, has already directed that the Demand Draft of Rs. 83,23,575/- secured by the Tahsildar in the execution of the order made in this Petition be detained in the custody of the SDO, which would be treated as a security. This is indeed contained in paragraph 12 of the coordinate bench's order of 2 July 2025.

6. Accordingly, learned counsel for the parties agree that the SDO must transfer this amount of Rs. 83,23,575/- to the Tribunal to the account of the Appeal that the Petitioner will institute within three weeks from today. With this transfer, even the requirement of Section 43(5) of the RERA Act will be complied with.

7. The Tribunal is requested to dispose of the Petitioner's Appeal as expeditiously as possible and preferably within three months from the date of its institution. The learned counsel for the parties assure the Court they would co-operate with the Tribunal in ensuring that expeditious disposal of the Appeal.

8. In particular, the learned counsel for the petitioner, based on instructions, states that the petitioner will not delay the disposal of the Appeal for any unjustifiable reason.

9. All contentions of all parties on merits are left open to be decided by the Tribunal.

10. The learned counsel for Respondent Nos. 2 and 3 submits that, despite a favourable order dated 22 April 2022, the second and third respondents have not even received the principal amount paid by them to the petitioners. Accordingly, he submits that this amount be directed to be paid to the second and third respondents.

11. Since we are disposing of the petition as withdrawn with liberty to petitioners to institute an Appeal before the Tribunal, we grant the second and third respondents liberty

to apply to the Tribunal for withdrawal of at least the principal amount paid by them. If such an application is made, the Tribunal will dispose of it on its own merits and in accordance with the law after hearing all the concerned parties.

12. Accordingly, this petition is disposed of as withdrawn with liberty in the above terms. The statements made on behalf of the petitioners are accepted as undertakings to this Court, and the same will have to be complied with.

13. The proof of payment of the cost of Rs. 50,000/- to Respondent Nos. 2 and 3 must be produced by the Petitioner before the Tribunal at the time of institution of the Appeal.

14. All concerned are to act upon an authenticated copy of this order.

(Advait M. Sethna, J)

(M.S. Sonak, J.)