Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION REVIEW NO. 8 OF 2026
IN
WRIT PETITION NO. 2326 OF 2024 (F)

Bhushan Vishnu Bordekar & 5 Ors. ... Applicants
Versus

1. Sunstar Homes, Rep. Thr. Its Partner Anup Vishram Prabhu Walavalkar & 5 Ors. ...Respondents

Mr. C. Padgaonkar, Advocate *with Mr. Sholk Rai and Ms. Prapti Gaunekar, Advocate for Applicants.*

Mr. J. J. Mulgaonkar, Advocate *for the Respondents.*

CORAM : S. G. CHAPALGAONKAR, J.
DATE : 1st October 2026

ORDER

1. The Applicant seeks recall/review of Order dated 04.10.2024 passed in Writ Petition No. 2326 of 2024(F), thereby allowing Writ Petition filed by Respondent No.1.

2. Mr. Padgaonkar, learned Advocate appearing for Applicant, submits that Applicant had filed complaints with Goa Real Estate Regulatory Authority against Respondent No. 1 under Section 31 of Real Estate (Regulation and Development) Act, 2016. The complaints were allowed upon adjudication and Respondent No. 1 was directed to hand over possession of properties and pay the compensation. Respondent no. 1 filed Appeal before Maharashtra Real Estate

Appellate Tribunal at Mumbai, in which the Respondent was directed to deposit entire amount payable as per RERA orders at 30% penalty. However, Respondent no. 1 failed to comply with aforesaid directions. Eventually, appeals were dismissed. On 16.05.2024, Mamlatdar of Bardez Taluka, issued Form-I notices to Respondent no.1, calling upon him to pay outstanding amounts, failing which, further action for recovery would be taken. On 11.06.2024, Mamlatdar issued final notices directing Respondent to hand over vacant possession of Flat Nos. B-3 and E-3 within a period of 48 hours, failing which, the flats would be taken into possession for auction. Respondent No. 1 filed reply before Mamlatdar stating that RERA orders stood stayed by Appellate Tribunal. He also filed Land Revenue Appeal No. 25/2024 before Administrative Tribunal at Goa, challenging the Caveat dated 15.01.2024 and final notice dated 11.06.2024. The said appeal came to be dismissed as not maintainable.

3. The Respondent no.1 then approached this Court by filing Writ Petition No. 2326 of 2024(F), raising challenge to Caveat notice and final notice issued by Mamlatdar. This Court allowed the Writ Petition.

4. It is contention of Petitioner that aforesaid Order passed by this Court is obtained by suppressing the material fact that Appeals filed by Respondent No.1 before Real Estate Appellate Tribunal against

Applicants bearing Nos. G-4/2023, G-5/2023, G-7/2023 and G-9/2023 were dismissed on 11.03.2024. However, this court was given impression that Appellate Tribunal stayed orders passed by RERA authorities even in Appeals filed against applicants and eventually the caveat and notices of Mamlatdar have been quashed.

5. *Per contra,* Mr. J. J. Mulgaonkar, learned Counsel appearing for Respondents, would submit that allegations of misrepresentation are absolutely baseless. Writ Petition was filed with specific statement that Appeals bearing no. G-6/2023 and G-8/2023 are pending before Appellate Tribunal and Orders passed by RERA are stayed therein. Eventually, Order passed by this Court relates to parties to Appeals bearing no. G-6/2023 and G-8/2023.

6. Having considered the submissions advanced by learned Advocates appearing for respective parties and after going through the records tendered for consideration, it can be observed that Order under review records in paragraph 13, as under :

> "13. The fact remains that as the Appellate Tribunal has granted stay on 29.11.2023, and the Petitioner is allowed to deposit the amount as directed by the Appellate Authority, the Mamlatdar was required to consider such aspect before issuing final notice dated 11.06.2024. The Mamlatdar cannot ignore the orders passed by the Appellate Authority and more particularly, orders passed by the Real Estate Appellate Regulatory

> Authority, which is subject of adjudication before the Mamlatdar. Accordingly, the Caveat Application dated 15.01.2024, produced at page 34 and the final notice dated 11.06.2024 produced at 245 of this petition is required to be quashed and set aside."

7. Although this paragraph states that final notices dated 15.01.2024 and 11.06.2024 issued by Mamlatdar are quashed and set aside, this will have to be read in consonance with stay orders passed by RERA Appellate Tribunal in Appeals Nos. G-6/2023 and G-8/2023. Therefore, it would be applicable to parties in pending Appeals before RERA Appellate Tribunal. Insofar as present Applicants who were not parties in Appeal Nos. G-6/2023 and G-8/2023 before RERA Appellate Tribunal, would remain unaffected. Paragraph no. 13 of Order under review cannot be read in isolation and same has to be read in context with observations made by this Court in paragraph 8 of order under review.

8. In that view of matter, this Court finds no reason to recall/review Order. Needless to state here, it shall bind only parties to Appeal bearing no. G-6/2023 and G-8/2023 before RERA authorities.

9. Review application stands disposed of with aforesaid observations.

S. G. CHAPALGAONKAR, J.

Signed by: ANDREZA PEREIRA
Designation: Senior Private Secretary
to the Hon'ble Judge
Date: 05/10/2026 10:10:33