IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 486 OF 2026

Sanyam Realtors Pvt. Ltd. ..Appellant

Versus

Rohit Bhagwanji Dangodara & anr. ...Respondents

WITH
SECOND APPEAL NO. 405 OF 2026

WITH
INTERIM APPLICATION NO. 8059 OF 2026
IN
SECOND APPEAL NO. 405 OF 2026

Mr. Pradeep Thorat, a/w Mr. Vedchetan Patil, Delzeen Dastoor, for the Appellant.

Mr. Bishwajeet Mukherjee, a/w Ms. Akanksha Yadav, Mr. Naman Gupta, for Respondent No. 1.

Mr. Sahil Mahajan, a/w Mr. Saurabh Godbole, for Respondent No. 2.

CORAM : N. J. JAMADAR, J.
DATE : 14th OCTOBER 2026

SAINATH SANJAY BODKHE
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P.C.:

1. Heard the learned Counsel for the parties.

2. Second Appeal No. 405/2026 is directed against an order dated 15th July, 2026 in Appeal No. AT06/01310/2025 passed by the Maharashtra Real Estate Appellate Tribunal ("the Appellate Tribunal") whereby the appellant – promoter has been directed

to deposit the differential amount of Rs. 58,86,588/- (Rupees Fifty Eight Lakhs Eighty Six Thousand Five Hundred Eighty Eight) towards full compliance with the proviso to sub-section (5) of Section 43 of the Real Estate (Regulation and Development) Act, 2016 ("RERA, 2016"), within a period of 15 days from the date of the said order.

3. In the wake of the non-compliance of the aforesaid order, the Appellate Tribunal by an order dated 03rd September, 2026 dismissed the said Appeal No. AT06/01310/2025. The subsequent order dated 03rd September, 2026 is assailed in SA/486/2026.

4. Mr. Mukherjee, the learned Counsel for Respondent No.1 – allottee, on instructions, submits that, the first order dated 15th July, 2026 was passed by the Appellate Tribunal on the premise that, in the allotment letter dated 15th August, 2015, the appellant – promoter has confirmed receipt of the total amount of Rs. 35,87,338/- (Rupees Thirty Five Eighty Seven Thousand Three Hundred and Thirty Eight). However, the said observation in Paragraph No. 5 of the order dated 15th July, 2026 is not correct. Mr. Mukherjee, thus, submits that, the impugned order dated 15th July, 2026 may quashed and set aside and the Appellate Tribunal be requested to hear and decide the aspect of

full compliance with the mandate of proviso to Section 43(5) of RERA, 2016, afresh.

5. In view of the aforesaid submission, the impugned order dated 15th July, 2026 stands quashed and set aside.

6. Consequently, the order dated 03rd September, 2026, which is assailed in the SA/486/2026, is also stands quashed and set aside.

7. The Appeal No. AT06/01310/2025 stands restored to the file of Appellate Tribunal for afresh decision on the aspect of full compliance with the proviso to Section 43(5) of RERA, 2016, after providing an opportunity of hearing to the parties.

8. The parties shall appear before the Appellate Tribunal on 28th October, 2026.

9. The Appellate Tribunal is requested to hear and decide the said issue of compliance with the proviso to Section 43(5) of the RERA, 2016 afresh as expeditiously as possible and, preferably, within a period of two months thereafter.

10. The Second Appeal Nos. 485/2026 and 405/2026 stand disposed.

11. In view of the disposal of the appeals, the Interim Application also stands disposed.

[N. J. JAMADAR, J.]