

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 38651 OF 2025
IN
SECOND APPEAL NO. 31 OF 2026

M/s Arun Bhoomi Corporation ..Applicant
Versus
Rajesh Balkrishna Chapekar & Anr ...Respondents

Ms. Naira Jejeebhoy, with Lizum Wangdi, Anushka Sharma, Tanmay
Pawar and Meenakshi Pahuja, i/b ANB Legal, for the Applicant.
Mr. Vikramjeet Garewal, i/b Hitesh Dabhi, for Respondent No.1.
Mr. R. P. Ojha, with A Ojha, Ankit Ojha and Rakesh Dubey, for
Respondent No.2.

CORAM: N. J. JAMADAR, J.
DATE : 28th JANUARY 2026

P.C.:

1. Heard the learned Counsel for the parties.
2. This Appeal is directed against a judgment and order dated 24th June 2025 passed by the Maharashtra Real Estate Appellate Tribunal, Mumbai, in Appeal No. AT006000000053009 of 2021, whereby the Appeal preferred by Respondent No.1 was partly allowed and an order dated 11th December 2020 passed by the MahaRERA in Complaint No. CC006000000017121 was set aside and the Appellant and Respondent No.1 were directed to jointly execute an Agreement for Sale in favour of ARS

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the Complainant-Respondent No.1 herein, in respect of Shop No. 116, admeasuring 305 sq ft, within a month.

3. By this Application, the Appellant seeks stay to the operation, implementation and execution of the aforesaid order dated 24th June 2025 passed by the Appellate Tribunal.

4. By a separate order in Second Appeal No. 31 of 2026, this Court has framed substantial questions of law which arise for consideration in the Appeal.

5. In the wake of those substantial questions of law, this Court is of the view that if the execution and operation of the impugned order is not stayed, the Appeal may be rendered infructuous.

6. Since a *prima facie* case has been made out by the Appellant and, in the circumstances of the case, the Appellant would suffer irreparable loss if the execution and operation of the impugned order is not stayed, this Court is inclined to stay the execution and operation of the impugned order, which directs the Appellant to execute an Agreement for Sale in favour of Respondent No.1.

7. At the same time, the interest of Respondent No.1-complainant is required to be adequately secured. The Court is informed that the subject office premises has already been sold by the Appellant allegedly for a consideration of Rs.30,00,000/-. In the circumstances, restraint on transfer of subject office premises is not practicable. Nonetheless, to

balance the equities, in the event the appeal is dismissed, the Appellant can be directed to deposit a reasonable amount, in the context of the consideration paid by the Respondent-Allottee.

8. Hence, the following order:

: O R D E R :

(i) The execution, implementation and operation of the impugned order stands stayed till the decision of the Appeal subject to the following condition:

The Appellant shall deposit a sum of Rs. 5 Lakhs in this Court, without prejudice to its rights and contentions, within a period of three weeks from the date of uploading of this order.

(ii) Application stands disposed.

[N. J. JAMADAR, J.]