

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 163 OF 2026
WITH
INTERIM APPLICATION NO. 2505 OF 2026

M/s. Amit Enterprises Housing Ltd ...Appellant

Versus

Abhishek Shirish Bhise and anr. ...Respondents

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KULKARNI

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Mr. Kaustubh Thipsay, for the Applicant – Appellant.

CORAM: N. J. JAMADAR, J.
DATED: 8th APRIL, 2026

Oral Order:-

1. Heard the learned Counsel for the appellant.
2. The challenge in this appeal is to an order dated 27th February, 2026 passed by the Maharashtra Real Estate Appellate Tribunal, thereby directing the appellant to deposit the entire amount as ordered to be paid by the Maharashtra Real Estate Regulatory Authority.
3. Mr. Thipsay, the learned Counsel for the appellant, submitted that the appellant was not required to deposit any amount as there was an outstanding amount to be paid by the allottee.

4. Mr. Thipsay invited the attention of the Court to the order passed by the Authority, especially clause (c) of the operative order, which, *inter alia*, records that the total arrears of interest shall be set off/adjusted against the outstanding amount, if any, to be paid by the respondent towards the cost of the subject flat and the remaining amount shall be paid by the respondent in one installment to the complainant. Clinging to the words, if any, it was submitted that the appellant was not required to make any deposit. It was further submitted that the submission made on behalf of the appellant on 20th January, 2026 before the Appellate Tribunal seeking extension of time to make the deposit, was due to inadvertence and, subsequently, a compliance affidavit was filed on behalf of the appellant indicating that there was no amount due and payable by the appellant.

5. The possession of the apartment was to be delivered to the allottee by December, 2021. The appellant obtained the Occupation Certificate on 22nd August, 2025.

6. The Authority has categorically held that the appellant was required to pay interest under Section 18 of the Real Estate (Regulation and Development) Act, 2016 ("RERA, 2016"). The controversy sought to be raised by the appellant regarding the

amount due and payable by the appellant essentially revolves around facts. Thus no substantial question of law arises for consideration. Therefore, the appeal does not deserve to be entertained under the regime of Section 100 of the Code of Civil Procedure, 1908.

7. Second Appeal thus stands dismissed.

8. In view of disposal of the Second Appeal, Interim Application No.2505/2026 also stands disposed.

9. Mr. Thipsay further submitted that, subsequent to the impugned order, the appeal itself came to be dismissed for non-compliance of the order of pre-deposit and said order has also been assailed in a separate appeal. Suffice to clarity, the legality and corrections of the said order may be considered in the said appeal.

10. The said appeal be listed in the next week.

[N. J. JAMADAR, J.]