

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 230 OF 2026
WITH
INTERIM APPLICATION NO. 3375 OF 2026

Rare Township Pvt Ltd ... Appellants.
Versus
Karthik Velamakanni & Anr. ... Respondents.

Mr. Rubin Vakil, Ayushi Aanadpara, Shubham Hundia, Sandesh Panchal i/b. Satyaki Law Associates, Advocate for Appellant.
Mr. Amey Patil a/w. Mr. Jayesh Rathod, Advocate for Respondents.

CORAM: N. J. JAMADAR, J.
DATE : 6th MAY 2026

P.C.:

- 1.** Heard the learned Counsel for the parties.

- 2.** The challenge in this Appeal is to the order passed by the Appellate Tribunal dated 5th March, 2026 whereby the Appellate Tribunal has stayed the order passed by the Authority on 7th August, 2025 whereby the Authority had permitted the Appellant-promoter to take recourse to Section 11(5) of the Real Estate Regulatory Authority Act, 2016 (RERA Act) for cancellation of the

agreement for sale and directed the Respondents – allottees to execute the cancellation deed. The Respondents – allottees being aggrieved by the said order passed by the Authority preferred an appeal before the Appellate Tribunal.

3. The learned Counsel for the Appellant submitted that since the allottees have elected to seek refund of the amount, allegedly paid by the allottees, the Appellate Tribunal could not have stayed the execution and operation of the order permitting the cancellation of the agreement. It was submitted that the Appellant is willing to secure the interest of the allottees during the pendency of the Appeal.

4. The Appellate Tribunal has recorded that the allottees have an indefeasible right to seek refund of the amount of consideration in terms of the provisions contained in Section 18 of the RERA Act. The impugned order is passed at an interim stage awaiting the adjudication of the appeal. The fact that the allottee seeks refund of the amount of consideration does not imply that the allottee cannot question the action of termination of the agreement by the promoter.

5. All the questions of facts and law are required to be adjudicated by the Appellate Tribunal. If during the pendency of the Appeal, the order of Authority is given effect to, the Appeal would be rendered infructuous and the Appellate Tribunal would be denuded of the opportunity to pass appropriate order to do complete justice between the parties. Therefore, in an appeal against an interim order, no substantial question of law arises for consideration.

6. The Second Appeal stands dismissed.

7. In view of dismissal of the Appeal, nothing survives in the Interim Application. Hence, the Interim Application No. 3375 of 2026 also stands disposed.

[N. J. JAMADAR, J.]