

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 226 OF 2026

WITH

INTERIM APPLICATION ST. NO. 14013 OF 2026

Mr. Sunil H Tharwani ... Appellant.

M/s Tharwani Constructions Pvt Ltd

Versus

Mr. Nitin Yadavrao Paunikar. ... Respondent

Mr. Prasad G. Keluskar, Advocate for the Appellant.

CORAM: N. J. JAMADAR, J.

DATE : 6th MAY 2026

P.C.:

- 1.** Interim Application is not on board. Taken on board.
- 2.** Heard the learned Counsel for the Appellant.
- 3.** By the impugned order the Appellate Tribunal has modified the order passed by the Authority in the matter of award of interest on the amount of consideration paid by the allottee – Respondent, and directed the Appellant – promoter to pay interest for the period, 1st July, 2017 to 14th January, 2020.

4. The learned Counsel for the Appellants invites attention of the Court to the Order passed by the Authority on 11th December, 2019 whereby the issue of award of interest was kept open awaiting the decision in an Appeal preferred by the Appellant against an Order passed by the Authority in the matter of another allottee in the very same project. The learned Counsel for the Appellant tenders a copy of the Judgment and Order dated 16th July, 2020 passed by the Appellate Tribunal in Appeal No. 31618 of 2019 whereby the Appellate Tribunal has directed the payment of interest for delayed possession only for the period July, 2017 to August, 2018.

5. Thus, a substantial question of law as to whether the Appellate Tribunal could have passed the impugned order which is materially at variance with the earlier order passed by the Appellate Tribunal in respect of a co-allottee in the very same project, arises for consideration.

6. Issue notice to the Respondents. In addition to court notice, the Appellant shall serve the Respondent by private service and file an affidavit of service.

7. In the meanwhile, there shall be stay to the execution and operation of the impugned order only to the extent of modification of the period for which the interest on the amount of consideration for delayed delivery of possession, has been ordered to be paid.

8. Stand over to 17th June, 2026.

[N. J. JAMADAR, J.]