

Ajit

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
SECOND APPEAL NO. 192 OF 2026**

Neelkanth Realtors. Pvt Ltd And Anr. ...Appellants  
Versus  
Ms. Stuti Nemji Galiya And Ors. ...Respondents

**WITH  
SECOND APPEAL (ST) NO. 9655 OF 2026**

Gammon Neelkanth Realty Corporation ...Appellant  
Versus  
Stuti Nemji Galiya ...Respondent

Mr. Dinyar Madon, Senior Advocate a/w J. S. Kini, Aum Kini i/b  
Sapna Krishnappa, for the Appellant in SA(ST)/9655/2026 and  
for Respondent No.2 in SA/192/2026.

Ms. Khushnumah Banerjee a/w Aashka Vora i/b Vidhii Partners, for  
the Appellant in SA/192/2026 and for Respondent Nos.4 and 5  
in SA(ST)/9655/2026.

Mr. Awadhesh Jha, for Respondent No.1 in both matters.

**CORAM: N. J. JAMADAR, J.**

**DATE : 22<sup>nd</sup> APRIL 2026**

**P.C.:**

- 1.** Heard the learned counsel for the parties.
- 2.** The following substantial questions of law arise for consideration:
  - i) Whether a project in which all the apartments/units have been sold before the commencement of the Real Estate (Regulation and Development) Act, 2016 ("the RERA Act, 2016") and nothing remains to be sold, is

required to be compulsorily registered under Section 3 of the RERA, 2016?

ii) Whether the Appellate Tribunal has misconstrued the nature and import of the provisions contained in the RERA, 2016, especially Section 3, in directing the Appellant to register the project as an ongoing project despite the sale of all the apartments/units in the project before the commencement of the RERA, 2016?

- 3.** Issue notice to the Respondents, returnable on 17th June 2026.
- 4.** Mr. Jha, the learned counsel for Respondent No.1, waives notice for Respondent No.1.
- 5.** Ms. Banerjee, the learned counsel for Respondent Nos.4 and 5, waives notice for Respondent Nos. 4 and 5.
- 6.** In addition to notice through Court, the Appellant is at liberty to serve the rest of the Respondents by private service and file an affidavit of service.
- 7.** List along with Second Appeal (ST) No.19134 of 2025, Interim Application (ST) No.19235 of 2025 and Second Appeal (ST) No.9370 of 2025.
- 8.** The Appellant is at liberty to file a private paper book in each of the appeals on or before the next date.

**[N. J. JAMADAR, J.]**