

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 232 OF 2026

WITH

INTERIM APPLICATION NO. 3430 OF 2026

Rare Townships Pvt. Ltd.

... Appellant.

Versus

Tianla Thapa & Ors.

... Respondents

Mr. Rubin Vakil, a/w. Mr. Sriraj G. Menon, Mr. Shubham Hundia, Mr. Sandesh Panchal i/b. Satyaki Law Associates, Advocate for the Appellant.

Mr. Kunal R. Maskar, Advocate for Respondents.

CORAM: N. J. JAMADAR, J.

DATE : 6th MAY 2026

P.C.:

1. Heard the learned Counsel for the parties.
2. The following substantial questions of law arise for consideration :

(i) Whether the Maharashtra Real Estate Regulatory Authority (the Authority) can exercise the review jurisdiction on the basis of the purported power under Regulation 36 of the Maharashtra Real Estate Regulatory Authority (General Regulations 2017) framed in exercise of the power under Section 85 of the Real Estate (Regulation and Development) Act, 2016 ?

(ii) Whether the power to rectify the orders conferred under Section 39 of the RERA, 2016 does not extend to substantive review ?

(iii) Whether the Regulation 36 to the extent it purports to confer power of substantive review is ultra vires Section 85 of the RERA 2016 ?

(iv) Whether the Appellate Tribunal was justified in declining to exclude the period during which the Appellant had been prosecuting the review application before the Authority ?

3. Issue notice to the Respondents, returnable on 17 June 2026.

4. Mr. Maskar, Learned Counsel, waives service of notice on behalf of Respondents.

5. In the meanwhile, the Appellant shall file a private paper-book.

[N. J. JAMADAR, J.]