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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 534 OF 2024
WITH
INTERIM APPLICATION NO. 12197 OF 2024
IN
SECOND APPEAL NO. 534 OF 2024**

Sachin Bajla ... Appellant/Applicant

vs.

Honest Shelters Private Limited and ... Respondents
Ors

Mr. Vineet Naik, Senior Counsel, Mr. Kunal Mehta a/w. Mr. Robin Fernandes, Mr. Sukrit Parashar, Ms. Lillyan Thangkhiew and Ms. Rashi Oswal i/b. M/s. Vesta Legal, for Appellant.

Mr. Mayur Khandeparkar a/w. Mr. Rubin Vakil, Ms. Saloni Sulakhe, Mr. Ramana Deshmukh i/b. Dhaval Vussonji and Associates, for Respondents.

CORAM : GAURI GODSE, J.

DATED : 6th SEPTEMBER 2024

ORDER:

1. Heard learned counsels for the parties. Second Appeal is admitted on the following substantial questions of law:

I) As a matter of law, if the Real Estate (Regulation and Development (RERA) Appellate Tribunal is of the view that

interim reliefs in an Appeal may be granted subject to an allottee depositing monies towards allotment of a flat, then whether the condition of deposit can exceed the maximum quantum contemplated by Section 13(1) of the RERA Act?

II) Whether the RERA Appellate Tribunal can pass interim orders subject to compliance with conditions which have the effect of defeating the prohibition stipulated by Section 13(1) of the RERA Act?

III) Whether the terms of a letter of allotment can be enforced despite the same being contrary to the provisions of MOFA and the RERA Act?

2. Mr. Khandeparkar, waives notice on behalf of Respondents.
3. Call for records and proceedings.
4. Printing is dispensed with.
5. Learned advocate for the appellant shall file private paper-book within a period of one year from today.

INTERIM APPLICATION NO. 12197 OF 2024.

6. Learned counsel for the applicant seeks time to file an additional affidavit in support of the interim application. He

submits that as per the recent disclosure of RERA website the area of the flat in question has been completely changed. Two weeks time is granted to file additional affidavit with an advance copy to the learned advocate for the respondent.

7. If ad-interim relief is not granted, serious prejudice would be caused to the applicant's rights as substantive appeal is still pending before the RERA Appellate Tribunal. Hence, in the meantime, there will be ad-interim relief in terms of prayer clause (b).

8. Learned counsel for the respondent is at liberty to file affidavit-in-reply to the main application as well as to the additional affidavit.

9. List the application under the caption for 'urgent orders' on 19th November 2024.

(GAURI GODSE, J.)