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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 218 OF 2022**

Bhailal Danabhai Parmar ... Appellant

vs.

Mr. Rajesh Arvind Surti and Anr ... Respondents

Mr. Manoj Jaiswal a/w. Mr. Vaibhav Chaudhary and Mr. Yogesh
Yadav for Appellant.

CORAM : GAURI GODSE, J.

DATED : 19th NOVEMBER 2024

ORDER:

1. Heard learned counsel for the appellant. Second appeal is admitted on the following substantial questions of law:

I) Whether the reasons recorded by the RERA Authority and RERA Appellate Tribunal refusing to grant prayer for execution of the agreement in favour of the appellant is on proper consideration of the parameters under Section 13 read with Section 19 of the Real Estate (Regulation and Development) Act, 2016?

II) Whether the legal principles settled by the Hon'ble Apex

Court in the case of *Hansa V. Gandhi Vs. Shankar Roy*¹ can be made applicable to the facts of the present case and particularly in view of the findings recorded in both the judgments on the point no.3 regarding resale of the concerned flat to the third party?

III) In view of the findings recorded by both the authorities on a valid allotment and acceptance of amount from the appellant, whether the reasons recorded by both the authorities in refusing to grant prayer for execution of agreement for sale would be sustainable in law?

2. In addition to Court notice, learned advocate for the appellant to serve the respondents, by private notice and file affidavit of service.
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.

(GAURI GODSE, J.)

1 AIR 2013 (SC)2873