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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION (L) NO. 13006 OF 2026
IN
WRIT PETITION (L) NO. 12994 OF 2026**

Ashutosh Abhyankar And Anr. ...Applicants

In the matter between :

Ashutosh Abhyankar And Anr. ...Petitioners

Versus

The Collector and District Magistrate,
Mumbai City And Ors. ...Respondents

Mr. Venkatesh Dhond, Senior Advocate a/w Rohan Kelkar,
Shashank Sardesai, for the Applicants/Petitioners.

Mr. Rakesh Pathak, A.G.P., for the Respondent-State.

Adv. E. A. Sasi a/w Adv. Bhagyashri Mangale, Adv. Arnav
Rane, for the Respondent No.2.

Adv. Neeta Solanki a/w Jeetendra H. Mishra, Kiran Dubey,
Ayush Jain i/b Jeetendra H. Mishra, for the Respondent No.3.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 15, 2026

ORDER :

1. This matter was urgently moved in view of an auction under the Maharashtra Land Revenue Code being scheduled for tomorrow, in execution of an order passed by the Real Estate Regulatory Authority

(“**RERA**”), towards interest for the delay in delivery of the flat developed by the Petitioner.

2. The flat proposed to be auctioned is occupied by the Petitioner and his wife. The Petitioner is admittedly the builder against whom the order passed by RERA is executable.

3. After the matter was argued for some time, the Learned Senior Advocate for the Petitioner has instructions to undertake to this Court that a sum of Rs. 50 lakhs shall be deposited in this Court no later than April 29, 2026, at 12.00 noon. Therefore, while no other interference is made with the conduct of the auction, the final completion of a transfer upon price discovery in the auction shall not be effected without the prior approval of this Court. It is made clear that the auction will continue without interference, but the actual completion of a sale pursuant to the auction, would require the approval of this Court.

4. Stand over to **April 30, 2026** to assess compliance with the aforesaid undertaking to make a deposit.

5. Further, it is further stated that there is a pre-existing mortgage in favour of the State Bank of India, covering indebtedness to

the extent of Rs. 50 lakhs, over the same property which is expected to be auctioned tomorrow. It is expected that appropriate disclosures of the pre-existing encumbrances and details of co-ownership (since it is stated by the Petitioners, who are spouses living in the same premises, that they hold 50% each) of the property, subject to verification of these facts, shall be made public in the course of the auction. The Petitioners shall provide all such information and supporting material to the Respondents to demonstrate the same.

6. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]