

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

WRIT PETITION (L) NO.15903 OF 2026

CCI Projects Pvt. Ltd.

.. Petitioner

Vs.

Maharashtra Real Estate
Appellate Tribunal & Ors.

.. Respondents

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Mr. Soli Cooper, Senior Advocate with Mr. Ashish Kamat, Senior Advocate with Mr. Yohann Cooper, Mr. Abir P. (through VC) and Mr. Kartik Joshi i/b. Wadia Ghandy & Co., Advocates for the Petitioner

Mr. Aditya Pratap i/b. Aditya Pratap Law Offices, Advocates for Respondent Nos.2 and 3

Ms. Sushmita Chalke a/w. Mr. Aman Shukla i/b. Anil Dsouza, Advocates for Respondent Nos.13 and 26.

**CORAM : SHREE CHANDRASHEKHAR, CJ &
SUMAN SHYAM, J.**

DATE : 5th MAY 2026

P.C. :

A batch of appeals came to be dismissed on 27th April 2026. The petitioner has produced a copy of the order dated 27th April 2026 by which that batch of appeals was dismissed.

2. The petitioner has also produced on record a copy of another order dated 27th April 2026 which seems to have been passed by the Tribunal *sou motu* in the same case.

3. Misc. Application No.150 of 2022 (Urgent Disposal) vide Exhibit-E at page no.494 of the paper book) seeking an order of stay on disbursement of the amount deposited by the promoter was also taken up on that day. The relevant portion of the order dated 27th April 2026 is extracted below:-

“1. *Appeal Nos. AT006-53079/2021, AT006-52857/2021, AT006-52874/2021, AT006-52876/2021, AT006-52879/2021, AT006-52881/2021, AT006-52886/2021, AT006-52982/2021, AT006-53090/2021, AT006-53104/2021, AT006-53113/2021, AT006-53125/2021, AT006-53127/2021, AT006-53128/2021, AT006-53134/2021, AT006-53138/2021, AT006-53141/2021, ATD06-53142/2021, AT006-53147/2021, AT006-53148/2021, AT006-53150/2021, AT006-53153/2021, AT006-53184/2021, AT006-53376/2021, AT006-52873/2021, AT006-52644/2021, AT006-52851/2021, AT006-52872/2021, AT006-52877/2021, AT006-52878/2021, AT006-53087/2021, AT006-53089/2021, AT006-53091/2021, AT006-53098/2021, AT006-53135/2021, AT006-53145/2021, AT006-53151/2021, AT006-53161/2021, AT006-53377/2021 and AT006-53179/2021 stand dismissed.*

2. *Promoter shall pay cost of Rs. 5,000/- to each of the allottees.*

3. *Pending Misc. applications, if any, stand disposed of.*

4. *Copy of this judgment be communicated to learned Authority and respective parties as per Section 44(4) of RERA Act.*

1. *It is seen from the record that the promoter has deposited amounts in each appeals towards compliance of Section 43(5) of RERA Act, 2016. The details thereof have already been furnished by learned Adv. Abir Patel in the matter as per table shown below:*

.....

Since the appeals are dismissed, the allottees are entitled to said amounts. We are of the view that the captioned appeals are dismissed therefore natural corollary is that the allottees are entitled to get the amount deposited by the promoter towards compliance of Section 43(5) of RERA Act. Therefore, registry is directed to disburse the amount with accrued interest thereon to the allottees deposited by the promoter as above in the matters as per rules.

2. *Now, learned Adv. Abir Patel submits that promoter has moved application to stay the later part of the order i.e. disbursement of the amount deposited by the promoter to the allottees on the grounds set out in the application more particularly on the ground that the impugned order passed in the captioned appeals has not been made available to the applicant/promoter as of today. It is to be noted that the judgment is ready in all respects and the copy of judgment is also available to the applicant and respective parties by today itself on the website and if they apply for hard copy of the judgment same will be provided to the respective parties.*

3. *The applicant has further contended that if the monies deposited in this Tribunal in the captioned appeals are released, it would cause prejudice to appellant and would curtails the right of appellant/promoter under Section 58 of RERA Act, 2016 that too before the statutory period for preferring the same has expired. We are of the view that right to prefer an appeal is a different thing and disbursement of the amount deposited by the*

promoter to allottee with accrued interest thereon is another aspect. The promoter can file appeal against the judgment passed by this Tribunal. The very purpose of pre-deposit is to secure the claim of the allottees and the same has been categorically observed by the Hon'ble Supreme Court in Newtech case. The Hon'ble Supreme Court has observed that the very object of Section 43(5) of RERA is that the allottee should not run from pillar to post to recover the amount. Keeping in view the object of pre-deposit and observations of the Hon'ble Supreme Court in the Newtech case. We are of the view that there is no impediment in disbursing the amount deposited by the promoter in the captioned appeals to allottees. However, the allottees are directed to furnish undertakings that if order is reversed in the Second Appeal they will pay the amount received from this Tribunal to the promoter. With these observations we do not find merit in the application.

4. Accordingly, application stands rejected.

4. This is quite evident on a glance at the said order at page starting from page no.494 that there was no application moved by the allottees seeking disbursal of the amount so deposited by the promoter-petitioner.

5. This is quite well settled law that in a petition filed by an individual or an entity there cannot be an order adverse to him except dismissing the petition or application. Mr. Soli Cooper, the learned senior counsel appears for the promoter-petitioner and submits that by directing disbursal of the amount with accrued interest to the allottees the appellate authority has rendered the statutory right of the petitioner to file a second appeal infructuous.

6. Reply shall be filed within four weeks.

7. Post this matter on 23rd June 2026. Till then, the operation of the order dated 27th April 2026 starting from page no.494 of the paper book shall remain stayed.

[SUMAN SHYAM, J.]

[CHIEF JUSTICE]