

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Civil Appeal No.4408/2023

VIPUL JASWANTLAL SANGHAVI & ORS.

Appellant(s)

VERSUS

MACROTECH DEVELOPERS LIMITED

(EARLIER KNOWN AS LODHA DEVELOPERS LTD.) & ORS. Respondent(s)

O R D E R

1. Taking into consideration the averments made in the Interlocutory Application No.145739 of 2023 seeking intervention, the said application is allowed.

2. Cause title be amended accordingly.

3. The appellants have approached this Court claiming to be aggrieved by the impugned Judgment and order of the High Court of Judicature at Bombay. The appellants were not parties to the proceedings before, which culminated in the impugned Judgment. However, the Maharashtra Real Estate Regulatory Authority (MRERA) by its order dated 12-03-2021 and other connected orders, dismissed the complaints of the appellants. The premise on which the complaints were rejected was that the RERA Act did not apply; in reaching that conclusion the RERA was felt bound by the impugned Judgment of the High Court.

4. This Court has considered the submissions of the parties and is of the opinion that the appellants should approach the Appellate Authority (under the Real Estate Regulatory Authority Act, 2016).

In such event, it is open to the appellants to raise all contentions including the applicability of all or any provisions of the RERA Act, which according to them, have been interpreted erroneously by the impugned Judgment. In such event, the RERA Appellate Authority shall consider merits of their submissions, unconstrained by the question of limitation. The rights and contentions of the respondents to contend otherwise are kept open. This order will apply in the case of those appellants whose complaints too are pending before the RERA Authority.

5. The Appeal is disposed in the above-terms.

.....J  
(S.RAVINDRA BHAT)

.....J  
(ARAVIND KUMAR)

NEW DELHI  
5TH OCTOBER, 2023.

ITEM NO.103

COURT NO.8

SECTION III

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Civil Appeal No.4408/2023

VIPUL JASWANTLAL SANGHAVI &amp; ORS.

Appellant(s)

VERSUS

MACROTECH DEVELOPERS LIMITED (EARLIER KNOWN AS  
 LODHA DEVELOPERS LTD.) & ORS.

Respondent(s)

(IA No. 126495/2023 - APPLICATION FOR PERMISSION, IA No. 67255/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 145739/2023 - INTERVENTION APPLICATION & IA No. 67254/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 05-10-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT  
 HON'BLE MR. JUSTICE ARAVIND KUMAR

For Appellant(s)

Ms. Meenakshi Arora, Sr. Adv.  
 Mr. Udayaditya Banerjee, AOR  
 Mr. Kaustubh Patil, Adv.  
 Ms. Parul Shukla, Adv.  
 Ms. Shreya Bhojnagarwala, Adv.  
 Mr. Chandratanay Choubey, Adv.

For Respondent(s)

Mr. Vinayak Bhandari, Adv.  
 Mr. Arnav Narain, AOR  
 Ms. Teesta Mishra, Adv.

Mr. Aaditya Aniruddha Pande, AOR  
 Mr. Siddharth Dharmadhikari, Adv.  
 Mr. Bharat Bagla, Adv.  
 Mr. Sourav Singh, Adv.  
 Mr. Aditya Krishna, Adv.

Mr. Pallav Shishodia, Sr. Adv.  
 Ms. Shraddha Deshmukh , AOR

UPON hearing the counsel the Court made the following  
O R D E R

1. Exemption Applications are allowed.
2. Application for intervention is also allowed.
3. The appeal is disposed of, in terms of the signed order.
4. Pending applications are also disposed of.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

(BEENA JOLLY)  
COURT MASTER(NSH)

(Signed Order is placed on the file)