

ITEM NO.18

COURT NO.15

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.18295/2021

[Arising out of impugned final judgment and order dated 11-08-2021 in WP No. 2648/2021 passed by the High Court of Judicature at Bombay at Nagpur]

NIRMAL NAGARI CONDOMINIUM

Petitioner(s)

VERSUS

THE COLLECTOR, NAGPUR & ORS.

Respondent(s)

(IA No.144794/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.144795/2021-EXEMPTION FROM FILING O.T.)

Date : 28-11-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s)

Mr. Gagan Sanghi, Adv.
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s)

Mr. Adarsh Dubey, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Aditya Krishna, Adv.
Ms. Preet S. Phanse, Adv.

Mr. Gopal Sankaranarayan, Sr. Adv.
Mr. Satyajit A. Desai, Adv.
Mr. Siddharth Gautam, Adv.
Mr. Abhinav K. Mutyalwar, Adv.
Mr. Sachin Singh, Adv.
Mr. Ananya Thapliyal, Adv.
Ms. Anagha S. Desai, AOR.

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

1. We have heard Mr. Gagan Sanghi, the learned counsel appearing for the petitioner, Mr. Gopal Sankaranarayan, the learned Senior counsel appearing for the Respondent Nos.5 to 10 respectively and

Mr. Adarsh Dubey, the learned counsel appearing for the Respondent Nos. 1, 2 and 4 respectively.

2. We are thoroughly disappointed with the manner in which the Collector, Nagpur and the Tehsildar, Nagpur City have dealt with the issue that has come up before us.

3. Today, we do not want to say anything further as Mr. Gopal Sankaranarayan, the learned Senior counsel appearing for the Respondent Nos.5 to 10 submitted that he would make all possible endeavours to see that the problem is solved.

4. When we are taking about the problem, we may clarify that according to the developer, he is not obliged to get the project registered with Maharashtra RERA and, therefore, the sale deeds that he may execute in favour of the purchasers should be accepted by the Office of the Sub-Registrar and validly registered.

5. On the other side, the case of the authorities seems to be that unless and until the project is registered in accordance with the Rules and Regulations, any sale deed executed cannot be accepted as a valid document of title.

6. In this confusion, the sufferers are the purchasers of the premises in the project.

7. We also take notice of the order passed by this Court dated 13-4-2022 which reads thus:-

"A short adjournment has been sought for by the learned counsel appearing for Respondent Nos.6 to 10 for filing counter affidavit.

Counter affidavit, along with payment plan, be filed within one week.

Rejoinder affidavit, if any, be filed within one week thereafter.

List after two weeks."

8. There is no payment plan in the counter affidavit.

9. As prayed, we grant two weeks' time to the respondents to come forward with some solution so as to put an end to this entire litigation.

10. On the next date of hearing, the Collector, Nagpur and Tehsildar, Nagpur City shall personally remain present before this Court and explain what steps have they taken after the order came to be passed by Maharashtra RERA issuing the warrant.

11. If the respondents are unable to bring around any viable solution, we shall proceed to hear this matter on merits and pass appropriate orders.

12. List on 19-12-2024.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)