



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1102 SECOND APPEAL NO. 426 OF 2025
WITH
SECOND APPEAL NO. 428 OF 2025
WITH
SECOND APPEAL NO. 427 OF 2025
WITH
CIVIL APPLICATION NO. 12634 OF 2025
IN SA/427/2025
WITH
CIVIL APPLICATION NO. 12633 OF 2025
IN SA/426/2025
WITH
CIVIL APPLICATION NO. 12635 OF 2025
IN SA/428/2025

...
GOLDENDREAMS BUILDCON PVT LTD
VERSUS
SAFFRON INFRADEV PVT LTD

...
Advocate for Appellant : Mr. Vikramjit Garewal a/w. Siraj Menon a/w. Mr.
Darshan Sahuji
...

CORAM : ARUN R. PEDNEKER, J.
Dated : November 25, 2025

PER COURT :-

1. By the present second appeals, the appellant challenge the judgment and order passed by the Maharashtra Real Estate Appellate Tribunal (appellate authority), partly allowing the appeals and directing the appellant to register Wings "B" and "C" of the Project Flamingo within sixty days of the order, failing which the Real Estate Regulatory Authority (MahaRERA) has directed to impose fine on the appellant.
2. The learned counsel for the appellant submits that appellant is the joint promotor of the entire project Flamingo along with wings "B" and "C" and respondent is the financier of the said project. The learned counsel submits that the entire project consisted of four different buildings and it

would complete in four different phases of construction. The learned counsel submits that complaint was filed by the respondents before MahaRERA seeking direction to the appellant to register the 'B' and 'C' wings in the project Flamingo with MahaRERA or alternatively direct the appellant to refund the amounts with interest. The learned counsel submits that the registration of building 'A' is already completed. The learned counsel submits that MahaRERA rejected the complaint filed by the respondents on 28.8.2019 by holding that the respondents cannot be treated as allottee. The learned counsel submits that MahaRERA also held that the respondents are also joint promoters of the project. Thereafter, the appeal was filed by the respondents before the appellate authority. The appellate authority has partly allowed the appeal and has directed the appellant to register the entire project namely "Flamingo" along with wings "B" and "C" with MahaRERA within 60 days from the date of the order, failing which MahaRERA is directed to impose penalty as provided under section 59 of the Real Estate (Regulation and Development) Act (RERA Act).

3. The learned counsel for the appellant has taken me through the impugned order and submits that the findings recorded by the appellate authority as regards the project being advertised is perverse and submits that advertisement for entire project is made, but not for sale and the advertisement was made for sale of only one wing as the registration of the said wing was only done. The learned counsel submits that registration of 'B' and 'C' wings was not done and therefore, advertisement was not made to sell 'B' and 'C' wings and neither they were sold. The learned counsel for the appellant submits that the findings recorded by the

appellate authority that the respondents are purchasers on the face of record is erroneous. The learned counsel has taken me through section 3 of the RERA Act and submits that no promotor shall advertise, market, book, sell or offer for sale or invite persons to purchase in any manner any plot, apartment or building, in any real estate project or part of it, in any planning area, without registering the real estate project with the authority under this Act.

4. The learned counsel submits that in terms of section 3 of the RERA Act, no compulsory registration is required unless the promotor advertise for sale or invite persons for purchase of any manner any plot, apartment or building in any real estate project or part of it in any real estate project or any part of it without registering the real estate project with the authority under the Act. The learned counsel submits that section 3 is negative form and registration becomes compulsory on advertisement for sale. He submits that in the instant case, there is no advertisement for sale of project in 'B' and 'C' wings, as such, in view of section 3 of RERA Act, there can be no compulsion to register the same. The learned counsel further submits that findings of facts recorded that the appellant has advertised the project of 'B' and 'C' wing is perverse and there is erroneous interpretation of law particularly section 3 by the appellate Authority.

5. Considering the above submission of the learned counsel for the appellants in these second appeals, the following substantial questions of law arise in this matters.

(A) Whether the promotor has to mandatorily register a project under the provisions of the Real Estate (Regulation and Development) Act, 2016 (RERA), despite the promotor

not advertising or selling units in the Project ?

(B) Whether the Appellate Tribunal has committed a manifest error in entertaining the appeal in the context of a complaint based on ex-facie false facts which are contrary to the pleadings in Commercial Summary Suit No. 113 of 2019 filed before this Hon'ble Court by the respondent concerning the same subject matter ?

(C) Whether the findings of the Appellate Tribunal are perverse in respect of the registration of a real estate project ?

(D) Whether the Appellate Tribunal committed a manifest error in setting aside the order dated 28th August 2019 passed by the Hon'ble MahaRERA authority without coming to the conclusion that the same is perverse ?

6. Issue notice to the respondents to answer the proposed questions of law, returnable on 23.12.2025.

7. Until the next date, the directions issued by the appellate authority in the impugned order shall stand stayed. The appellant shall not advertise or sale the 'B' and 'C' portion without RERA registration.

8. On the next date, this Court will consider the prayer for modification/vacation of ad-interim relief granted today.

(ARUN R. PEDNEKER, J.)

ssc/