

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION (L) NO. 5867 OF 2026

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New Rising Sun Co-Operative Housing Society
Limited ...Applicant

In the matter between:

New Rising Sun Co-Operative Housing Society
Limited ...Plaintiff

Versus

Bhatia Realtors And Ors. ...Defendants

WITH
CONTEMPT PETITION (L) NO. 4934 OF 2022

Mr. Sunil Khandagale *i/b Komal Punjabi, for the Defendant No.3-
BMC.*

Appearance has not been submitted on behalf of the Applicant.

CORAM : SOMASEKHAR SUNDARESAN, J.
DATE : APRIL 27, 2026

ORDER :

1. An Affidavit dated April 15, 2026, has been filed pursuant to the last order dated April 9, 2026. The same is taken on record.
2. Since the registered Architect who is overseeing the redevelopment with the Municipal Authorities, was unavailable, a different Architect has been engaged to certify the submissions made on behalf of the Alleged Contemnors

to meet the deadline. The same is annexed to Exh-1 at page no. 10 of the aforesaid Affidavit dated April 15, 2026.

3. To enable the Petitioners to examine the veracity of the factual situation on the ground, the Petitioners shall be entitled to visit the premises; the parties agree that such visit shall be conducted this Friday, May 1, 2026, at 12 noon. The Petitioners will also be entitled to bring on board an Architect of their choice, who shall thereafter again visit the premises along with the Petitioners and file a report or an Affidavit confirming or differing with the Affidavit dated April 15, 2026, filed by the Alleged Contemnor. Any disagreement by such Architect shall be supported by objective reasons.

4. Meanwhile, the Learned Advocate for the Alleged Contemnor submits that the Architect handling the project, who was travelling, will also file a separate report or an affidavit confirming the factual veracity and reiterating the contents of the Affidavit dated April 15, 2026. Let the completion of both the inspections, first by the Petitioners and then along with their Architect, be carried out in terms of this Order no later than May 15, 2026. The Affidavits pursuant to such visits be filed no later than June 8, 2026 by the respective parties bringing on record the reports of the respective architects as above.

5. Stand over to **June 11, 2026**, for further consideration.

6. There is one other facet of the matter. Considering that the Petitioners' members have been out of their premises for over a decade and a half, the Alleged Contemnors were asked to come back with instructions on an appropriate escalation of the transit rent, particularly considering the delay at their end in complying with the terms on which the redevelopment was to take place. Mr. Bange requests that this facet of the matter be considered on the next date after the vacation.

7. The Alleged Contemnors having given post-dated cheques in advance for the next 18 months, the veracity of which is confirmed by the Petitioners, this facet of the matter is simply stood over, without any comment from this Court to **June 11, 2026**.

8. The amendments permitted on the last occasion may be carried out before the next date.

9. Considering the matter is being stood over by nearly a month and a half owing to the impending vacation, the Alleged Contemnors shall file a further Affidavit before the next date giving an updated status of the progress made on the project. Such an Affidavit shall also be filed no later than June 8, 2026.

10. 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.]