



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

COMMERCIAL ARBITRATION PETITION (L) NO.8237 OF 2026

Kanakia Transparent Developers Pvt. Ltd.Petitioner

V/S

Shree Mohan Co-operative Housing Society Ltd.Respondent

Mr. Naushad Engineer, Senior Advocate with Mr. Rishikesh Soni, Mr. Hemang Raythattha, Mr. Sunil Gangan and Mr. Manav Chetwani i/b RMG Law Associates *for the Petitioner.*

Mr. Rubin Vakil with Ms. Sandhya Yadav i/b Ashok Purohit & Co. for Respondent No.1.

Mr. Jitendra Damani with Mr. Omprakash Verma i/b Mr. Dharmendra Damani for Respondent Nos.2, 3 and 6.

Mr. Atmaram Patade with Ms. Reshma Kakad for Respondent No.4.

Ms. S.Q. Qureshi for Respondent No.5.

Mr. Dilip Sawant – Respondent No.1, Mr. Narendra Gandhi – Respondent No.3 and Mr. Parag Mahajan – Respondent No.6 are present in Court.

CORAM : SANDEEP V. MARNE, J.

DATE : 1 APRIL 2026.

P.C.:

1. This is a Petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 (**Arbitration Act**) seeking interim measures before commencement of the arbitral proceedings.

2. The Petition is filed by the Developer appointed by the first Respondent-Society with whom Development Agreement has been executed. Society has 164 flats and 158 members. Except Respondent



Nos.2, 3 and 6, all other members have co-operated in the redevelopment process.

3. Mr. Damani, the learned counsel appears on behalf of Respondent Nos.2, 3 and 6 who are present in Court. As the hearing of the Petition progressed, Mr. Damani, on taking instructions from his clients, fairly submits that Permanent Alternate Accommodation Agreements (**PAAA**) shall be executed and registered by Respondent Nos.2, 3 and 6 on same terms and conditions on *pari passu* basis as is done with other members of the Society on 10 April 2026 and that Respondent Nos.2, 3 and 6 shall vacate possession of their respective units on 15 April 2026. Statements made are accepted as undertaking given to this Court. Petitioner shall execute and register PAAA with Respondent Nos. 2, 3 and 6 on 10 April 2026.

4. So far as Respondent Nos.4 and 5 are concerned, the dispute is in respect of flat No.56 in Building No.11. The share certificate in respect of the flat is in the joint names of Respondent Nos.4 and 5. Respondent Nos.4 and 5 have already executed PAAA with the Petitioner/Developer on 6 February 2026. Though Respondent No.4 appears to be in physical possession of the flat as of today, Respondent Nos.4 and 5 have jointly agreed to share the transit rent and other payments arising out of redevelopment process in equal proportions. There is no resistance by Respondent Nos.4 and 5 to vacate the possession of flat No.56. Since Respondent No.4 is currently in physical possession of flat No.56, the Permanent Alternate Accommodation (**PAA**) would obviously be given in possession of Respondent No.4 subject to the right of Respondent No.5



to claim possession thereof. She is at liberty to take appropriate proceedings for securing possessory rights in respect of PAA as and when handed over to Respondent No.4.

5. Respondent No.4 shall also handover possession of Flat No.56 to the Petitioner on or before 10 April 2026. In the event Respondent Nos.2 to 6 fail to handover possession of their respective units before the stipulated dates, Petitioner shall be entitled to recover possession thereof from Respondent Nos.2 to 6 with necessary police assistance. Local police station shall provide necessary police assistance to the Developer for securing possession of units from Respondent Nos.2 to 6.

6. Since the disputes relating to handing over possession of the units by Respondent Nos.2 to 6 are amicably resolved, it is not necessary to keep the present Petition pending any further nor there is any necessity to conduct arbitral proceedings at this juncture.

7. Leaving open all rights and contentions of parties as well as the remedies, the Commercial Arbitration Petition is **disposed of**.

(SANDEEP V. MARNE, J.)

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