

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

**INTERIM APPLICATION (L) NO. 32123 OF 2022  
IN  
EXECUTION APPLICATION (L) NO. 31251 OF 2022  
WITH  
INTERIM APPLICATION NO. 3091 OF 2023  
IN  
INTERIM APPLICATION (L) NO. 32123 OF 2022**

**Empress Co-operative Housing Society Ltd.**

**...Applicant**

**V/s.**

**Midcity Heights and Ors.**

**...Respondents**

**WITH  
INTERIM APPLICATION (L) NO. 9940 OF 2024  
IN  
EXECUTION APPLICATION (L) NO. 31251 OF 2022**

Mr. Anil Singh, Senior Advocate with Mr. K. H. Halai, Mr. P. Ranjan, Mr. Yash Jain and Mr. Santosh Salekar i/b Halai and Co. for the Applicant in IAL 32123/22.

Mr. Devvrat Singh with Mr. Jagdish Choudhary i/b Ms. Sangeeta Yadav for Applicant in IA 3091/23.

Mr. Chirag Mody i/b Ms. Raveena Yadav for Applicant in IAL 9940/24.  
Mr. Rishikesh Soni i/b Mr. Parag Samant for Respondents No.1 and 2 in all Interim Applications.

**CORAM : ABHAY AHUJA, J.**

**DATE : 6<sup>th</sup> MAY, 2024**

**PC. :**

1. Pursuant to the earlier order dated 24<sup>th</sup> April, 2024, today when the matter is called out, Mr. Singh, learned Senior Counsel for the Applicant in interim Application (L) No. 32123 of 2022 tenders across the bar an additional affidavit on behalf of the Applicant dated 6<sup>th</sup> May,

2024, submitting that the order of Deputy Registrar of Co-operative Societies under Section 79(A)(3) of the Maharashtra Co-operative Housing Societies Act, 1960, disqualifying the Applicants from the managing committee of the society for a period of six years has been stayed till the next date of hearing which is 1<sup>st</sup> July, 2024.

2. Mr. Singh, learned Senior Counsel would further submit that the order challenging the appointment of the Administrator has been reserved and will be pronounced any time soon. Learned Senior Counsel submits that in the circumstances the Administrator of the society would not be in a position to act as the disqualification of the Applicants has been stayed and therefore, this Court pass appropriate orders.

3. Mr. Mody, learned Counsel appears for the Applicant in Interim Application (L) No. 9940 of 2024 and submits that since the Administrator still holds office and he represents the 7/9 members and that the order of stay only pertains to the disqualification of some of the members, this Court permit the erstwhile developer to continue with the development.

4. Mr. Soni, learned Counsel appears for the Respondents No. 1 and 2 in Interim Application (L) No. 32123 of 2022 and submits that in view of the developments, the statement made on behalf of the Respondents No. 1 and 2 be discontinued, however, admitting that the Respondents have not challenged the erstwhile developer's termination by the society.

5. Mr. Devvrat Singh, learned Counsel appears for the Applicant in Interim Application No. 3091 of 2023 and submits that he has been appointed by the society as new developer and has already paid rent to 9 members of the society, which is disputed by the learned Counsel for the 9 members as well as Counsel for the erstwhile developer.

6. I have heard the learned Senior Counsel / Counsel and I am of the view that since the Revision Application No. 115 of 2024, with respect to disqualification of members is listed on 1<sup>st</sup> July, 2024 and that the order challenging the appointment of Administrator as submitted, is reserved and yet to be pronounced, the matter be adjourned beyond 1<sup>st</sup> July, 2024. Accordingly, list on **3<sup>rd</sup> July, 2024**.

7. Statement made on behalf of Respondents No. 1 and 2 to continue till the next date.

Digitally  
signed by  
NIKITA  
YOGESH  
GADGIL  
Date:  
2024.05.07  
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+0530

**(ABHAY AHUJA, J.)**