

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL SUIT NO. 359 OF 2022
WITH
NOTICE OF MOTION NO. 3 OF 2023
IN
COMMERCIAL SUIT NO. 359 OF 2022

Inam Abdus Salam & Ors ...Plaintiffs

Versus

Maharashtra Housing & Area Development ...Defendants
Authority & Ors

WITH
INTERIM APPLICATION (L) NO. 11519 OF 2023
WITH
NOTICE OF MOTION (L) NO. 682 OF 2019
IN
COMMERCIAL SUIT NO. 359 OF 2022
WITH
LEAVE PETITION (L) NO. 129 OF 2019
IN
COMMERCIAL SUIT NO. 359 OF 2022

Mr. Ankit Lohia, a/w Sonal Awasthi, Ronish Mehta, Manee Vishwakarma, i/b Vinod Mistry & Co., for the Plaintiffs.

Ms. Sayali Apte, i/b P.G. Lad, for Defendant No.1-MHADA.

Mr. Viraj Jadhav, a/w Milind Nar, i/b Chinmaya Acharya, for Defendant No.6.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : DECEMBER 23, 2025

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VALLAKATI
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ORDER :

1. After the matter was argued for sometime, the parties sought time out to come back with a mutually agreed arrangement to adjust the competing interests of the parties.

2. Thereafter, the Learned Advocates for the parties have jointly submitted that it is common ground that a sum of Rs.10.44 lakhs had been paid to Maharashtra Housing and Area Development Authority (“**MHADA**”) in view of payments owed to the Plaintiffs by the Developer, Defendant No.6. A further sum of Rs.50 lakhs has been paid by Defendant No.6 to MHADA in view of amounts owed to the Plaintiffs on December 22, 2025. This leads to an aggregate sum of Rs.60.44 lakhs in the hands of MHADA.

3. As a *pro tem* arrangement, each of the twelve Plaintiffs shall be paid a sum of Rs.5 lakhs, with the balance amount being retained by MHADA until further directions. Such release of payments by MHADA shall be effected within a period of one week from the date of upload of this order, so that the respective Plaintiffs have funds in their hands by such deadline. The advocate for the Plaintiffs undertook to provide to the advocate for MHADA a confirmed list of NEFT / IMPS particulars to enable such remittance of Rs.5 lakh per Plaintiffs in the course of today.

4. Before the next date, Defendant No.6, the Plaintiffs and MHADA shall engage with one another by first convening a meeting at the offices of MHADA within a week from the date of upload of this order to reconcile all accounts, including Defendant No.6 providing an affidavit demonstrating settlement with various specific tenants, which leads a non *pro rata* approach being necessary in the facts of the case. It is a case of Defendant No.6 that nearly 100 tenants have directly settled with Defendant No.6 which is why there are only twelve Plaintiffs prosecuting their interests in this Suit. The precise position of each of the 212 tenants shall be reconciled in this exercise and the parties shall jointly draw up a statement of what is owed to each tenant. Should there be any difference of opinion in relation to any tenant, the same shall be reflected in a footnote in respect of each of the tenants. It is expected that such statement shall be filed before the next date.

5. Stand over to January 27, 2026. The first meeting, in the first instance, with MHADA shall be held on January 6, 2026 at 11:00 a.m. in the office of the Executive Engineer of MHADA. The Executive Engineer of MHADA shall then issue instructions on how to proceed further. The Executive Engineer of MHADA shall be at liberty to authorize a suitably senior official to oversee this exercise, so that the Court has a clear picture of the position that each of the tenant is placed

in. The payment of Rs.5 lakh released per Plaintiff is also a *pro tem* arrangement which would be subject to adjustment, once the specific entitlements of each tenant becomes clear after the aforesaid exercise is completed. The meeting shall be minuted on an ongoing basis, so that the Court has a clear picture of the precise status of the discussion between the parties.

6. Stand over to ***January 27, 2026***.

7. 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.]