

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

INTERIM APPLICATION (L) NO.11738 OF 2024

IN

COMMERCIAL SUIT NO.71 OF 2024

Palm Grove Beach Hotels Pvt. Ltd. & Anr. ... Applicants (Orig. Plaintiffs)

In the matter between

Palm Grove Beach Hotels Pvt. Ltd. & Anr. ... Plaintiffs

V/s.

Raheja Plaza Premises CHS Ltd. & Ors. ... Defendants

Mr. Karl Tamboly a/w Rushi Narvekar for the Applicants/Original Plaintiffs.

Mr. Rahul Moghe a/w Sweta Moghe i/by Sweta Mehta & Girdharlal for
Defendant Nos.1, 2, 3, 4, 15 and 16.

Mr. Anil R. Mishra for Defendant No.5.

Mr. Dhruv Gandhi a/w Sankalp Anatwar a/w Apoorva Kulkarni a/w Ronak
Mistry i/by SMA Law Partners for Defendant Nos.7, 8, 10 to 12, 13, 17 to 22.

Mr. Rohaan Cama a/w Nidhi Singh, Brian Naronha, Amisha Upadhyay i/by
Indianlaw LLP for Defendant No.14.

Ms. Hilla Boatwalla i/by Nanu Hormasjee & Company for Defendant No.23.

Mr. Rushabh Sheth for Defendant No.24.

CORAM : ARIF S. DOCTOR, J.

DATE : 24TH SEPTEMBER 2024

P.C. :

1. When the matter was called out, Learned Counsel appearing on behalf of the Respondents seek time to file their respective Affidavits in Reply. Time as prayed for is granted. Affidavits in Reply, if any, to be filed within a period of three weeks from today. i.e., on or before 8th October 2024. Affidavit in Rejoinder, if any, to be filed one week thereafter.

2. A preliminary objection was raised as to the maintainability of the Suit since it is not in dispute that the Suit is a Commercial Suit and it is also not in disputes that Section 12A of the Commercial Courts Act, 2015 has not been complied with.

3. Mr. Tamboly, Learned Counsel appearing on behalf of the Applicants/Plaintiffs submits that the Plaintiffs fall within the category of exception on account of the urgency as set out in the Plaint.

4. In the event, any of the Defendants have sold their units, Learned Counsel appearing on behalf of such Defendants undertake to inform the Plaintiffs all the names and details of such purchasers.

5. Stand over to 22nd October 2024 under the caption 'for hearing'.

(ARIF S. DOCTOR, J.)