

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

CONTEMPT PETITION NO. 23 OF 2024
IN
NOTICE OF MOTION NO. 722 OF 2017

SANDIP CHHOTALAL SHAH AND OTHERS)...PETITIONERS

V/s.

ZENAL CONSTRUCTION PRIVATE LIMITED)
AND OTHERS)...RESPONDENTS

Mr.Rohan Savant a/w. Mr.Sushant Arora, Ms.Vaishnavi Adav,
Mr.Rishabh Mishra i/by L R & Associates, Advocate for the Petitioners.

Mr.Shanay Shah a/w. Mr.Sanjay Maji i/by D M Legal Associates,
Advocate for the Respondents no.1 to 4.

Mr.Mayur Khandeparkar a/w. Ms.Aneesa Cheema, Mr.Shailesh Poria
and Ms.Shubhangi Khandelwal i/by Economics Laws Practice, Advocate
for the Respondents no.5 to 9.

CORAM : ABHAY AHUJA, J.

DATE : 22nd JANUARY 2025

PC. :

1. Pursuant to order dated 10th January 2025, when the matter was called out in the morning session, as permitted by the said order, Mr.Shanay Shah had tendered across the bar an additional affidavit of the Respondents no.1 to 4 containing the tentative plan for completion of the construction of the subject project and for handing over

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possession to the flat purchasers. This matter was heard for some time prior to lunch and since the Court broke for lunch, this matter has been taken up soon after the lunch.

2. Mr. Shanay Shah pointing out the tentative plan as contained in paragraphs 9 and 10 of the additional affidavit submits that if the parties go by the said plan, the Contempt Petition can be worked out.

3. Mr. Rohan Savant, learned Counsel appearing for the Petitioners, submits that everything would depend upon the permission from the society and until and unless the society reverts with respect to the utilization of the fungible F.S.I., it may not be possible to proceed with the tentative plan, in as much as, the Petitioners are only concerned with the construction of the 9th and 10th floors.

4. Mr. Mayur Khandeparkar, learned Counsel appearing for the Respondents no.5 to 9, submits that only if the society agrees then the Respondents no.5 to 9 would contribute 60% of the additional costs for further construction of the 11th and 12th floors, ofcourse depending upon what the society has to say.

5. It is pointed out that the society is represented by Respondents no.11 and 12, who have not been appearing before this Court.
6. Let a copy of this additional affidavit be served upon the Respondents no.11 and 12 within a period of one week. Let the Respondents no.11 and 12 remain present in Court on the next date with appropriate instructions with respect to the proposal / tentative plan in the additional affidavit.
7. List on **5th February 2025**.
8. Registry to accept the additional affidavit on behalf of the Respondents no.1 to 4.

(ABHAY AHUJA, J.)