

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

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

Sandip Chhotalal Shah and Others ...Petitioners
V/s.
Zenal Construction Pvt. Ltd and Others ...Respondents

WITH
COMMERCIAL SUIT NO.803 OF 2017
WITH
CHAMBER SUMMONS NO.49 OF 2020
IN
COMMERCIAL SUIT NO.803 OF 2017
WITH
INTERIM APPLICATION NO.1164 OF 2020
IN
COMMERCIAL SUIT NO.803 OF 2017

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

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

Mr.Sanjay Maji i/b D.M. Legal Associates, Advocates for the Respondents No.1 to 4.

Mr.Parthasarthy a/w Ms.Shikha Dubey i/b One Point Legal Solutions,
Advocates for the Respondents No.11 and 12.

Mr. Dilip Shukla i/b L.C. Tolat & Co., Advocate for Respondents no.11 and 12 (for Erstwhile Chairman and Secretary of the Society).

Mr.Swapnil Bangur a/w. Ms.Sophia Pinto, Advocate for the Respondent
no.13.

CORAM : ABHAY AHUJA, J.
DATE : 17th FEBRUARY, 2025

PC. :

1. Pursuant to the order dated 5th February, 2025, today when the matter is called out, Mr. Savant, learned Counsel appearing for the Petitioner, Mr. Maji, learned Counsel for the Respondents No. 1 to 4, Ms. Cheema, learned Counsel for the Respondents No.5 to 9 submit that minutes of order are in the process of being drafted and would be filed shortly.

2. Mr. Bangur, learned Counsel appearing for the Respondent No. 13-Society submits that the Respondent No.13 also be made a party to the minutes.

3. Mr. Shukla, learned Counsel appears for L. C. Tolat and Co. Advocates and Solicitors, through Counsel and submits that the said firm appears for the Chairman and the Secretary of the Society and they have not instructed M/s One Point Legal Solutions.

4. Mr. Parthasarthy along with Ms. Shikha Dubey, learned Counsel appearing for the Society confirm that the General Body of the Society

has passed the Resolution on the 14th February, 2025, that it has no objection if the builder completes the building on the basis of the original development agreement and that the members are against any proposal for the use of fungible FSI and construction of additional floors over and above the 10th floors as per the development agreement.

5. Mr. Parthasarthy along with Ms. Shikha Dubey appearing for the Society submit that Resolution has been passed on the 15th December, 2024 by the General Body of the Society appointing M/s One Point Legal Solutions to pursue the Suit No. 803 of 2017 and that, therefore, on the last date a submission was made on behalf of the Society.

6. List on **3rd March, 2025.**

7. Let the Society also be made party to the proceedings.

(ABHAY AHUJA, J.)