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

**INTERIM APPLICATION NO. 3159 OF 2025  
IN  
SUIT NO. 152 OF 2025**

Constellation and Zephyr Residents Welfare Association	Applicant .. (Orig. Plaintiff)
<b><u>IN THE MATTER BETWEEN</u></b>	
Constellation and Zephyr Residents Welfare Association	.. Plaintiff
<b>Versus</b>	
Damask Infracon Pvt. Ltd. and Ors.	.. Defendants

- .....
- Ms. Sneha Prabhu, Advocate i/by Kinnari Mehta for Applicant / Plaintiff.
  - Ms. Khushboo Shah a/w. Mr. Ayush Rajani, Advocates i/by AKR Legal for Defendant No.9.
  - Mr. Rishabh D. Singh, Advocate for Defendant No.10.
  - Dr. Dhruti Kapadia a/w. Ms. Kavita Dhanuka for Defendant No.11 – SRA.
  - Ms. Apurva Dalal, Advocate for Defendant No.15 – BMC.
- .....

**CORAM : MILIND N. JADHAV, J.**  
**DATE : JANUARY 21, 2026.**

**P.C.:**

1. Heard Ms. Prabhu, learned Advocate for Applicant / Plaintiff; Ms. Shha, learned Advocate for Defendant No.9; Mr. Singh, learned Advocate for Defendant No.10; Dr. Kapadia, learned Advocate for Defendant No.11 – SRA and Ms. Dalal, learned Advocate for Defendant No.15 – BMC.

2. Suit is filed for seeking declaratory relief in respect of registered Agreements for Sale executed by 23 members of the Plaintiff – Association premised on allotment letters and registered Agreements. Details of all such registered Agreements and allotment letters are appended to the Suit plaint. Possibility of other similarly placed members cannot be ruled out. Parties shall apprise about the same to Court.

3. The situation is necessitated due to appointment of the previous Developer having been terminated by Defendant No.11 – SRA and in its place Defendant Nos.9 and 10 (new Developers) having been appointed. Further reliefs in the Suit plaint are to seek specific performance, disclosure and declaratory reliefs to protect the rights of Plaintiff's members who are 23 flat purchasers. Part consideration has already been paid by the Plaintiffs and the details are captured in a summary appended at page No.74 of the Interim Application. Needless to state that the said consideration has been paid to the previous Developer namely Defendant No.1. Details of the consideration paid are indicated in the said table.

4. Interim Application is filed for seeking various interim reliefs. Some of the interim reliefs cannot be granted by this Court *prima facie*. However, in so far as the principal interim reliefs are concerned, Defendant Nos.9 and 10 are directed to file their respective Affidavit-

in-Reply by considering the aforesaid position and explain the same on Affidavit and the steps *qua* the Plaintiff / Plaintiff's rights in the allotted flats and registered Agreements.

5. In so far as Defendant No.11 – SRA is concerned, it is directed by this Court to place on record the report prepared by the Executive Engineer in terms of the directions issued on 06.01.2025 for the benefit of Plaintiff.

6. Defendant Nos.9, 10 and 11 are directed to file their respective Affidavit-in-Reply to the Interim Application within a period of six weeks from today.

7. In the event if Defendant Nos.9 and 10 desire to take any steps *qua* the substantive right of the Plaintiff, they shall take leave of this Court.

8. Stand over to **4<sup>th</sup> March 2026**.

[ MILIND N. JADHAV, J. ]

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