



H.C. SHIV

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

**COMMERCIAL APPEAL (L) NO.12844 OF 2026**

Alag Property Constructions ... Petitioner  
V/s  
The Mulund Endeavour Co-op.  
Housing Society Pvt. Ltd. ... Respondents

**WITH  
INTERIM APPLICATION (L) NO.13012 OF 2026  
IN  
COMMERCIAL ARBITRATION APPEAL (L) NO.12844 OF 2026**

Alag Property Constructions ... Applicant  
V/s  
The Mulund Endeavour Co-op.  
Housing Society Pvt. Ltd. ... Respondents

Mr. Simil Purohit, Senior Advocate with Mr. Bhavik Lalan  
with Mr. Sanjay P. Shinde for the Appellant/Applicant.

Mr. Mayur Khandeparkar with Shanay Shah, Mehek Shah  
i/b T. N.Tripathi for Respondent No.1.

Mr. B. V. Barvakar, Court Receiver with Mr. Swayam S.  
Chopda, OSD, Court Receiver, High Court Bombay  
present.

**CORAM: SHREE CHANDRASHEKHAR, C.J. &  
SHYAM C.CHANDAK, J.**

**DATE: 17<sup>th</sup> APRIL 2026**

**P.C.:**

Mr. Mayur Khandeparkar, the learned counsel appearing for  
the respondent-Housing Society has opposed grant of interim  
protection in favour of the appellant.



2. Mr. Mayur Khandeparkar, the learned counsel would submit that the appellant-company has not yet challenged termination order dated 28<sup>th</sup> February 2025 and failed to pay the occupants of the building the transit rent amounting to more than Rs.9 crores. The learned counsel for the respondent-Housing Society further submits that in view of paragraph no.26 of the impugned order dated 16<sup>th</sup> February 2026, the present appeal may not be entertained by this Court for the reason that the appellant-company has been given sufficient protection under the said order.

3. The learned Single Judge has passed the following directions :-

*“26. The reliefs granted above shall continue until four weeks after an Arbitral Tribunal is appointed, provided a Section 11 Application is filed in the absence of consensus over formation of the Arbitral Tribunal. The Arbitral Tribunal shall then take over these proceedings as continuing proceedings under Section 17 of the Act, and pass such orders as it deems fit, including directions to substitute, reduce, retain or enhance the interim protection granted hereby, after hearing the respective parties.”*

4. However, we are inclined to interfere in this matter to the limited extent that the Court Receiver shall take symbolic possession of the subject property over City Survey No.554/1 admeasuring approximately 4182.60 sq. mtrs. at Mulund Mumbai.

5. We are informed that the Arbitral Tribunal has now been constituted.

6. We would also record the statement made by the learned



counsel for the respondent-Housing Society that till today, no new developer has been appointed.

7. The present Commercial Arbitration Appeal is disposed of without interference except to the extent mentioned hereinabove.

8. In view of disposal the Appeal, Interim Application (L) No.13012 of 2026 is also disposed of.

**[SHYAM C. CHANDAK, J.]**

**[CHIEF JUSTICE]**