

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION NO. 2019 OF 2025**

Bikram Prasad Mishra & Anr.

.....Petitioners

Vs.

State Of Maharashtra & Ors.

.....Respondents

Adv. Manish Gala a/w Adv. Samyak Dedhia i/by Adv. Nilesh Gala for the Petitioners.

Adv. Usha Rahi, AGP for the Respondent Nos.1 to 3-State.

Adv. Tarish Amin i/by MDP Associates for the Respondent Nos.5 to 7.

Adv. Rubin Vakil a/w Adv. Sonam Mhatre, Adv. Darshil Thakkar and Adv. Dipesh Palwankar i/by Dhaval Vussonji & Associates for the Respondent No.8.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 23rd FEBRUARY, 2026.

PC.:-

1) Leave to amend to implead Mumbai Municipal Corporation as Respondent No.9 to the Petition, granted.

Necessary amendment be carried out forthwith and in any event during the course of the day.

2) As usual, in this case also the Order/Decree passed by the MahaRERA is being frustrated by exploiting the legal lacunae. Ultimately, the Petitioners being the victims are further subjected to suffer by frustrating the Order passed by the MahaRERA.

3) It is the contention of the Respondent No.8 that, he is a mere contractor of Respondent Nos.5 to 7, against whom the Decree dated 26th November, 2019 is passed by the MahaRERA. The ultimate result is that, the Petitioners being gullible flat purchasers have been deprived from their legitimate right of getting decree executed. In various matters, we have come across that, the decrees passed by the MahaRERA are being frustrated by the Judgment Debtors by adopting different stands, due to which the intention of the Legislature in enacting the MahaRERA is not only frustrated but the gullible flat purchasers have also being deprived of the benefits of the decree passed by the competent Authority namely the MahaRERA.

4) Learned Advocate appearing for the Respondent Nos.5 to 7 submitted that, the Respondent No.5 i.e. M/s. Nirmal Developers, was the partnership firm whose partners were Respondent Nos.6 and 7. That, in pursuance of Deed of Retirement-cum-Continuation dated 10th June, 2015, there are only two partners namely Nirmal Lifestyle Mulund (Private) Limited and Dharmesh Jain. He further submitted that, the Respondent No.6, Dharmesh Jain, is before the NCLT and the Corporate Insolvency Resolution Process (CIRP) has been appointed in an Application filed by the Creditors.

5) To resolve the entire issue involved in the Petition, we direct the Respondent Nos.5 to 7 to file their Affidavits placing on record their bank account numbers, properties owned/held by them in their personal

capacity and in the capacity as Directors of any Company or any Partnership firm. The said Affidavits be filed within a period of two weeks from today.

6) Until further Orders, we direct the Commissioner of Respondent No.9, not to grant Completion Certificate and Occupation Certificate to the project undertaken by the Respondent Nos.5 to 7 being 'Olympia Nirmal Life Style' at Mulund (West), MahaRERA Regn: P51800011870.

It is made clear that, the construction work undertaken by the Respondent No.8 will continue and there is no impediment for Respondent No.8 to continue with the construction as per the contract entered into between the Respondent Nos.5 and 8.

7) Stand over to 11th March, 2026.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR
Digitally signed
by SANJIV
SHARNAPPA
MASHALKAR
Date: 2026.03.04
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