

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL SUIT NO. 272 OF 2022

Unique Shanti Developers LLP

...Petitioner

Versus

Jai Temple View Co-Operative Housing Society Ltd.

...Respondent

WITH

INTERIM APPLICATION (L) NO. 32769 OF 2023

IN

COMMERCIAL SUIT NO. 272 OF 2022

UCO BANK

...Applicant

Versus

Unique Shanti Developers LLP

...Respondent

WITH

INTERIM APPLICATION (L) NO. 15574 OF 2024

IN

COMMERCIAL SUIT NO. 272 OF 2022

Tarananth M. Shetty

...Applicant

Versus

Jai Temple View Co-Operative Housing Society Ltd.

...Respondent

Mr. Shanay Shah, & Ms. Sakina Electriwala i/b Avyaan Legal, for the Plaintiff.

Mr. Manal Dhanani, h/f Adv. Abhijeet Mahadeokar for the Defendant No.1.

Mr. Muttahar Khan, a/w Rohit Upadhyay, Mohammed Riyaz Khan i/b

Jamshed Ansar for the Defendant No.3.

Mr. Gauraj Shah, a/w Sholk Bodas i/b Tejas Shah for the Defendant No.5.

Mrs. Nandini Deshpande, 1st Assistant to Court Receiver.

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE: MAY 8, 2026

ORDER :

1. Learned Advocate on behalf of the Plaintiff, Unique Shanti Developers LLP (“***Developer***”), tenders across the bar the draft of the Permanent Alternate Accommodation Agreement (“***PAAA***”) to be executed by the Learned Court Receiver. A copy of this draft is handed over to the Advocate of the Defendant No. 5 and to the Learned Court Receiver.

2. Mr. Shanay Shah, Learned Advocate on behalf of the Plaintiff submits that this draft gives *pari passu* treatment in its contents, with the drafts executed by all other members of Defendant No. 1-Society, Jai Temple View Co-Operative Housing Society Limited (“***Society***”). There is no reason not to accept the submission by Mr. Shah.

3. In these circumstances, Learned Advocates for the parties submit that they will liaise with one another such that execution of the PAAA is completed no later than May 28, 2026 before 5.p.m.

4. Against such execution, physical possession of the two flats that are to be handed over to Defendant no. 4 and 5 as agents of the Court Receiver shall also be completed. Mr. Gauraj Shah submits that the flats are currently being used by the Developer as a storage unit and are not in habitable condition. Mr. Shanay Shah has submits that the flats would be completely habitable within a week from today. Taking these commitments on record, the deadline of May 28, 2026 has been fixed. The Learned Court Receiver, along with the Society and the Developer shall execute the PAAA within the aforesaid deadline.

5. It is made clear that given the affirmation that the PAAA is in identical terms with the other agreements executed with the other members of the Society, no fresh verification of the contents of this draft at the hands of the Learned Court Receiver is necessary. Stand over to ***June 17, 2026***.

6. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]