

Kavita S.J.

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

INTERIM APPLICATION(L) NO.16440 OF 2025

IN

SUIT(L) NO.16439 OF 2025

Fortress Holdings Private Limited

...Applicant/Plaintiff

Versus

Dhayana Buildcon Private Limited & Ors., ...Defendants

Mr. Simil Purohit, Senior Counsel a/w Mr. Aditya Shiralkar, Ms. Disha Shetty and Ms. Jyothi Tated i/b Wadia Ghandy & Co., for the Plaintiff.

Mr. Sharan Jagtiani, Senior Counsel a/w Ms. Apirva M, Mr. Yash Momaya, Mr. Parag Kabadi, Ms. Falguni thakkar & Mr. Aayush Kamchandra i/b DSK Legal for the Defendant Nos. 1, 2 & 4.

Mr. Pravin Samdani, Senior Counsel a/w Mr. Mayur Khandeparkar, Mr. Suraj Iyer & Mr. Anuj Singh i/b Ganesh & co., for Defendant No.6.

Mr. G.O.Giri i/b Ms. Komal Punjabi for Defendant No.8.

CORAM : R.I. CHAGLA, J.

DATED : 9th JUNE, 2025.

**KAVITA
SUSHIL
JADHAV**

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ORDER :

1. The above Interim Application had been moved before the Vacation Court on 2nd June, 2025 when the learned Judge

presiding over the Vacation Court had permitted the Plaintiff to amend the Suit and Interim Application by bringing on record the subsequent events including the challenge to the Minutes of Annual General Body Meeting of the 'Band Box House Condominium' held on 31st May, 2025. The aforementioned amendment has been duly carried out. The matter had been placed today by the Vacation Court.

2. Mr. Purohit, learned Senior Counsel for the Plaintiff has expressed urgency in seeking ad-interim relief in the matter considering that the Annual General Body Meeting of Band Box House Condominium had been held on 31st May, 2025 contrary to its Bye Laws. He has also submitted that the Plaintiff is aggrieved by the fact that the meeting was held in the absence of Plaintiff. Further, the members of the Condominium who were present at the meeting had decided to form a Re-development committee comprising of three members, in the General Body Meeting to identify and appoint PMC, Developer etc. for the purpose of re-development. He has also referred to the certain resolutions at the meeting including the appointment of C.A. as the auditors had not been appointed. By the subsequent resolution, the appointment of auditor and adoption of accounts were resolved to be made at a subsequent General Body

Meeting. This was with regard to the financials for the period 2024-2025. The aforementioned resolutions were unanimously accepted by the members present at the meeting. He has submitted that these resolutions were contrary to the Bye Laws.

3. Mr. Purohit has further submitted that the appointment of the Board of Managers at the said Annual General Body Meeting is also contrary to the Bye Laws.

4. Mr. Jagtiani, learned Senior Counsel appearing for the Defendant Nos. 1, 2 and 4 has sought time to file Affidavit-in-Reply to the Interim Application for bringing on record material documents. He has stated that though the members at the Special General Body Meeting had decided to form a Re-development Committee comprising of three members, in the General Body Meeting, to identify and appoint PMC, Developers etc. for the purpose of re-development, the General Body Meeting is yet to be held.

5. Accordingly, the Defendant Nos. 1, 2 & 4 shall file their Affidavit-in-Reply to the Interim Application within a period of one week from today i.e. on or before 16th June, 2025 and advance copy served on the other side by 14th June, 2025.

6. The Interim Application shall be placed on 17th June, 2025 for ad-interim relief.

[R.I. CHAGLA, J.]