

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL SUIT NO. 272 2022**

Unique Shanti Developers LLP

...Plaintiff

Versus

Jai Temple View Co-Operative Housing
Society Ltd.

...Defendant

**WITH
INTERIM APPLICATION NO. 2174 OF 2026
WITH
INTERIM APPLICATION (L) NO. 32769 OF 2023
WITH
INTERIM APPLICATION (L) NO. 15574 OF 2024**

Mr. Shanay Shah *a/w Mr. Bhanu Chopra & Ms. Sakina Electricwala i/b Aryaan Legal, for the Plaintiff.*

Mr. Abhijeet C. Mahadeokar, *for Defendant No. 1.*

Mr. Mutahar Khan *a/w Mr. Rohit Upadhyay & Mr. Mohd. Riyaz Khan i/b Jamshed Ansari, for Defendant No. 3 in COMS/272/2022 and for the Applicant in IA/2174/2022 & IA(L)/15574/2024.*

Mrs. S. S. Chipkar, *Master (Adm.), Office of the Court Receiver.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 23, 2026.

ORDER :

INTERIM APPLICATION (L) NO. 32769 OF 2023

1. This Interim Application deals with the payment of arrears of transit rent for the period between April 15, 2025, and April 14, 2026, for a sum of Rs. 9,22,157/-. The reason the payment has been withheld from the Applicant is that the Applicant is a national of the United Kingdom and the Developer purports to have apprehensions about the obligations of deducting tax at source. Exhibit "O" to the Application clearly contains an undertaking and indemnity demonstrating that the Applicant holds out that he is a tax resident in India and no deduction of tax at source on account of his nationality would be attracted. He has even indemnified the Developer in this regard.

2. In this view of the matter, the Interim Application deserves to be ***allowed***.

3. The transit rent ought to be paid to the Applicant on the same terms as it is being paid to any other member of the society. There are various other disputes raised between the parties about waiving of the transit rent, completion of the work on the property in question to a habitable condition and the condition of the flat as to whether it is habitable.

4. The parties shall jointly complete an inspection of the flat and possession shall be taken within a week from today, subject to any grievances about or infirmities in the state of the flat being recorded in a communication from the Applicant to the Society as well as the Developer. Such grievances may also be brought on record in this Court by way of an Affidavit within a week thereafter. Such inspection shall be conducted no later than April 30, 2026 and the Affidavit shall be filed no later than May 7, 2026.

5. Stand over for reporting compliance to **May 8, 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.]

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