

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

CONTEMPT PETITION (CPCD) NO. 27 OF 2025

IN

COMMERCIAL ARBITRATION PETITION NO. 977 OF 2019

Shashi Vipinchander Aggarwal

...Petitioner

Versus

Mishal Construction Pvt Ltd

...Respondents

WITH

SUIT NO. 464 OF 2023

Roshanlal Kanhaiyalal Kothari And 2 Ors.

...Petitioners

Versus

Mishal Construction Pvt Ltd & 5 ORS.

...Respondents

WITH

INTERIM APPLICATION NO. 6798 OF 2025

IN

SUIT NO. 464 OF 2023

WITH

CONTEMPT PETITION NO. 25 OF 2025

IN

SUIT NO. 464 OF 2023

WITH

INTERIM APPLICATION NO. 3186 OF 2023

IN

SUIT NO. 464 OF 2023

WITH

CONTEMPT PETITION (L) NO. 1574 OF 2026

IN

SUIT NO. 464 OF 2023

WITH

CONTEMPT PETITION (CPCD) (L) NO. 26 OF 2024

Mr. Karl Tamboly a/w *Mr. Ryan Disouza, Mr. Shivam Laturiya i/b APS law Associates , for the Plaintiff.*

Mr. Mutaahar Khan a/w *Mr. Chirag Sarawagi i/b Adv. Tushar A. Goradia, for Respondent Nos. 1 to 3 in CONP No. 25 of 2025.*

Mr. Rohan Sawant a/w *Vatsal Gosolia & Chandush Reo for Respondent No.1 (Mishal Construction).*

Mr. Sachin Pawar, *for Respondent No.4*

Mr. Sunil C. Khandagale *i/b Komal Punjabi for Defendant No.5 BMC.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE: MAY 6 , 2026

ORDER :

1. By consent Stand over to ***June 17, 2026.***
2. It is an explicit submission by Mr. Khan, learned counsel on behalf of the Alleged Contemnor that no transit rent is payable in respect of commercial premises after December 2022 in view of a resolution having been passed by the Society confirming that those entitled to commercial premises need not be paid transit rent. In turn, he would submit that an order passed on an earlier occasion requires *pari passu* treatment of all members and, therefore, the Petitioners should be treated on the same terms as others entitled to commercial premises.
3. Mr. Tamboly, Learned Counsel on behalf of different Petitioners submits that a Society cannot amend the terms of a contractual obligation by

passing a resolution and inflicting the same on members who are unwilling to agree to have their agreements amended.

4. Be that as it may, these are facets that would necessitate an explicit affidavit from the Society. Let a reply from the Society, including on the facets raised today, be filed no later than May 22, 2026, with an advance copy to all the parties. Any party which has desires of dealing with the contents of the Society's Affidavit may file an affidavit no later than June 5, 2026.

5. Stand over to ***June 10, 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.]