

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

**INTERIM APPLICATION NO. 2579 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO. 124 OF 2025**

**Antara Housing LLP ...Applicant
V/s.
Primeland Constructions ...Respondent**

**WITH
COURT RECEIVER'S REPORT NO. 4 OF 2025
IN
CONTEMPT PETITION (L) NO. 21680 OF 2021
WITH
COMMERCIAL EXECUTION APPLICATION (L) NO. 2159 OF 2026
WITH
CHAMBER SUMMONS NO. 3 OF 2021
IN
COMMERCIAL EXECUTION APPLICATION NO. 1729 OF 2018
WITH
INTERIM APPLICATION NO. 3038 OF 2024
IN
COMMERCIAL EXECUTION APPLICATION NO. 1729 OF 2018
WITH
CONTEMPT PETITION NO. 12 OF 2025
IN
INTERIM APPLICATION NO. 3038 OF 2024
WITH
CONTEMPT PETITION NO. 11 OF 2025
IN
INTERIM APPLICATION NO. 3038 OF 2024
WITH
INTERIM APPLICATION NO. 4848 OF 2025
WITH
CHAMBER SUMMONS NO. 79 OF 2019
IN
COMMERCIAL EXECUTION APPLICATION NO. 1729 OF 2018
WITH
CONTEMPT PETITION (L) NO. 21680 OF 2021**

**IN
INTERIM APPLICATION NO. 467 OF 2021
WITH
CONTEMPT PETITION NO. 42 OF 2024
IN
INTERIM APPLICATION NO. 467 OF 2021
WITH
INTERIM APPLICATION (L) NO. 31126 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO. 124 OF 2025
WITH
SHOW CAUSE NOTICE NO. 3 OF 2025
IN
CONTEMPT PETITION NO. 12 OF 2025
WITH
INTERIM APPLICATION NO. 1264 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO. 1729 OF 2018**

Mr. Sharan Jagtiani, Senior Advocate with Mr. Muttahar Khan and Mr. Prashant Choudhary i/b Bellator Legal Services LLP for the Applicant in IA 2579/25 and with Anosh Sequeira, Mr. Siddharth Joshi and Ms. Sakina Electricqala i/b Avyan Legal for the Execution Applicant in COMEX 1729/18.

Mr. Zal Andhyarujina, Senior Advocate with Mr. Kunal Mehta, Ms. Akanksha Agrawal, Mr. Arun Unnikrishnan and Ms. Urvi Gulechha i/b Jadeja & Satiya for the Respondents No. 1 to 3.

Mr. Devansh Shah with Mr. Shrey Shah i/b Hudda & Associates for the Respondents No. 6 to 22 in IAL 31126/25.

Ms. Shilpa Kapil with Mr. Chidanand Kapil, Mr. Ravi Kotian, Ms. Aishwarya Mall, Mr. Darshit Jain and Mr. Vishwabharati devkhile for the Respondent / Judgment Debtor in COMEXL 2159/26.

Mr. Mukesh Vashi with Ms. Monica Jagtap, Ms. Milli Murkudkar and Ms. Aditya Tawde i/b Mr. Ameet Mehta for Solicis Lex for the Respondent No.4 in IA 31126/25 and IA 2579/25 and for the Applicant in COMEXL 2159/26

Mr. Swayam C. Chopda, OSD to the Court Receiver present.

**CORAM : ABHAY AHUJA, J.
DATE : 10th MARCH, 2026**

PC. :

1. Pursuant to the order dated 23rd February, 2026, today when the matter is called out, Mr. Andhyarujina, learned Senior Counsel appears for the Judgment Debtors and submits that an additional affidavit of disclosure dated 9th March, 2026 has already been served and that this Court may direct the Registry to accept the same. Registry to accept the same.

2. Mr. Jagtiani, learned Senior Counsel appears for the Applicant-Decree Holder and submits that additional affidavit of disclosure has been received early this morning at 12.45 am and that some time would be needed to consider the same and take instructions. Mr. Jagtiani, learned Senior Counsel while tendering across the bar agreement for sale dated 2nd February, 2026 by the firm in which at least one of the Judgment Debtors is a partner and who has also signed the agreement for sale with respect to the Daivi Eterneety Project against which there is already an injunction granted by this Court, submits that this is yet another instance of breach of the orders of this Court inviting action under the Contempt of Courts Act, 1971 and the provisions of the Code of Civil Procedure, 1908.

3. A cursory glance of the said agreement indicates that the agreement is dated 2nd February, 2026 and is between M/s Yash Developments and the Building Technologies India Pvt. Ltd. and Mrs. Dipti Alkesh Patel, Mr. Chimanbhai Khusalbhai Patel and Mr. Alkesh Chimanbhai Patel, which is in respect of Flat No.206 in the building known as Daivi Eterneety. The said agreement has been signed on behalf of M/s Yash Developments through its partner Mr. Ketan T. Shah, who is the Judgment Debtor No. 2 in these proceedings.

4. Mr. Andhyarujina, learned Senior Counsel appearing for the said Judgment Debtor, upon instructions, submits that in fact in respect of this agreement, disclosure affidavit along with an apology has already been prepared and that the same would be served upon Mr. Jagtiani's client and would also be filed.

5. Accordingly, until the said apology and disclosure are considered by Mr. Jagtiani and his client, this Court does not deem it appropriate to make any comment as yet, although it is clear that by order dated 10th March, 2025, there is an injunction by this Court that the Respondents No. 2 and 3 not to in any manner deal with the unsold area in respect of the Daivi Eterneety and the Gateway project.

6. Let instructions be taken by the next date.

7. It is clarified that the injunction, interim order granted in the earlier order to continue until further orders.

8. That the Respondents No. 2 and 3 to continue to remain present in the Court on the next date as well.

9. The Judgment Creditor-Applicant is at liberty to file response to the additional affidavit as well as to the apology affidavit or any other affidavit that has been filed on behalf of the Judgment Debtors with a copy to the other side.

Interim Application (L) No. 31126 of 2025

10. As regards the Interim Application (L) No. 31126 of 2025, Mr. Shah, learned Counsel appears for the Respondents No. 6 to 22 and seeks a direction by this Court to the Registry to accept the reply.

11. Registry to accept the reply. Rejoinder(s) be filed to the same by the next date with copy to the other side.

Interim Application (L) No. 8041 of 2026

12. Mr. Vashi, learned Senior Counsel appears for the Applicant-Decree Holder and submits that in view of the conduct of the Judgment Debtors, his client, pending the amendments of the Commercial Execution Application (L) No. 2159 of 2026 to include the properties as

set out in the schedule, apprehends that the Judgment Debtors who are 50 % partners would create third party rights and that this Court for now injunct the Respondents from doing so.

13. Ms. Kapil, learned Counsel appears for the Respondents and submits that by order dated 17th July, 2025 in Contempt Petition No. 12 of 2025 in Interim Application No. 3038 of 2024, this court in paragraph 12 has already not only injuncted the Respondents herein who are the Respondents No. 1 and 3 therein until further orders from in any manner whatsoever dealing with or disposing of any assets, movable or immovable, tangible or intangible but also any company or partnership firm or entities in which they are holding shares, which also covers the properties referred to in the present Interim Application and that, therefore, no separate order would be necessary. The submission is accepted.

14. Ms. Kapil also seeks some time to file reply to the said Interim Application.

15. In view of the aforesaid submission no order is being passed in respect of the injunction sought for by Mr. Vashi, learned Senior Counsel.

16. Let reply be filed within a period of three weeks with copy to the

others. Rejoinder in two weeks thereafter with copy to the others.

17. As regards the Commercial Execution Application 1729 of 2018 and the connected Interim Applications, Mr. Jagtiani, learned Senior Counsel submits that they are in the process of making an appropriate application to the Hon'ble The Chief Justice on the administrative side for tagging the said Applications along with the other matters before this Bench, since the Judgment Debtors are the same.

18. Registry to accept the affidavit of disclosures dated 9th March, 2026 and affidavit on behalf of the Respondents No. 2 and 3.

19. List on **23rd April, 2026.**

(ABHAY AHUJA, J.)