



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMM. ARBITRATION PETITION NO.559 OF 2017
WITH
CHAMBER SUMMONS NO.40 OF 2020
WITH
INTERIM APPLICATION NO.410 OF 2021
WITH
CHAMBER SUMMONS NO.217 OF 2018
WITH
NOTICE OF MOTION NO.688 OF 2018
WITH
CHAMBER SUMMONS NO.763 OF 2019
WITH
CHAMBER SUMMONS NO.234 OF 2019
WITH
CHAMBER SUMMONS NO.45 OF 2019
WITH
CHAMBER SUMMONS NO.1080 OF 2019
WITH
NOTICE OF MOTION NO.350 OF 2019

Mulund Raviraj Co-Operative Housing .. Petitioner
Society Ltd.

Versus

Rupji Constructions & Anr. .. Respondents

WITH
INTERIM APPLICATION NO.3390 OF 2022
IN
COMM. ARBITRATION PETITION NO.559 OF 2017



Municipal Corporation of Greater .. Applicant
Mumbai

In the matter between :-

Mulund Raviraj Co-Operative Housing .. Petitioner
Society Ltd.

Versus

Rupji Constructions & Anr. .. Respondents

WITH

INTERIM APPLICATION NO.15780 OF 2022

IN

COMM. ARBITRATION PETITION NO.559 OF 2017

Janaba A. Redekar .. Applicant

In the matter between :-

Mulund Raviraj Co-Operative Housing .. Petitioner
Society Ltd.

Versus

Rupji Constructions & Anr. .. Respondents

WITH

INTERIM APPLICATION (L) NO.15122 OF 2021

WITH

INTERIM APPLICATION (L) NO.12903 OF 2021

WITH

INTERIM APPLICATION NO.180 OF 2021

WITH

INTERIM APPLICATION (L) NO.23486 OF 2022

WITH

INTERIM APPLICATION (L) NO.141 OF 2021

IN

COMM. ARBITRATION PETITION NO.559 OF 2017

**AND (Sr.No.12)****COMM. ARBITRATION APPLICATION (L) NO.6622 OF 2022****WITH****CHAMBER SUMMONS NO.32 OF 2020**

Mulund Raviraj Co-Operative Housing .. Applicant
Society Ltd.

Versus

Rupji Constructions (A Partnership .. Respondents
Firm) & Ors.

WITH**INTERIM APPLICATION NO.180 OF 2021****IN****COMM. ARBITRATION APPLICATION (L) NO.6622 OF 2022**

Bank of India .. Applicant

In the matter between :-

Mulund Raviraj Co-Operative Housing .. Applicant
Society Ltd.

Versus

Rupji Constructions (A Partnership .. Respondents
Firm) & Ors.

WITH**INTERIM APPLICATION (L) NO.12903 OF 2021****WITH****INTERIM APPLICATION (L) NO.15122 OF 2021****WITH****INTERIM APPLICATION (L) NO.15780 OF 2021****WITH****INTERIM APPLICATION NO.3390 OF 2022****IN****COMM. ARBITRATION APPLICATION (L) NO.6622 OF 2022**



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Mr.Vikhi Dhoka with Ms.Sonal P. i/bs G.M.Legal for the Petitioner.

Mr.P.G.Lad with Ms.Sheetal Metkari i/b Mr.Sunil Sonawane for the BMC.

Ms.Priya Nigwekar i/b O.A.Das for the Applicant in IA/180/21.

Ms.Soniya Parab with Mr.Dinesh Masurkar i/b Mr.Tejas Deshpande for the Applicant in IAL/23486/22 and IAL/141/21.

Mr.D.J.Dalal (Legal Aid Appointment) for the Intervenor in CHSCD/40/2020 and NMCD/688/18.

Mr.Hemant S. Madhavi, Sub-Engineer (B.P.) ES, MCGM, present.

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CORAM: BHARATI DANGRE, J.

DATED : 21st FEBRUARY, 2023

P.C:-

1. The Secretary of Mulund Raviraj Co-Operative Housing Society Ltd. has placed an affidavit on record, which is sworn on 25/01/2023.

Through the said affidavit, it is informed that after termination of the Development Agreement dated 02/05/2013 executed between the society and the respondent, in the Special General Body Meeting held on 15/09/2019, a decision is taken to proceed with the redevelopment of the project on it's own. In the meeting dated 25/12/2022, the feasibility report has also been finalised and it was decided to appoint Mr.Shrikanya Dalvi, as an Architect. A copy of the resolution dated 25/12/2022 is placed on record. When the details of the project in blue print are sought from the learned counsel



representing the society, he states that it is decided to have nine storied building, comprising 56 flats to accommodate it's members as well as the salable components. It is also submitted that the appointment of Mr.Dalvi has now been approved by the Corporation. In these circumstances, before deciding the Interim Application No.3390 of 2022, seeking payment of development charges and ancillary charges for the purpose of redevelopment of the society, let the blue print of the project through the Architect's view point be placed on record, as it is informed that permission is sought from MahaRERA for taking over the project. Let the application preferred before the said authority be placed on record to give clear cut idea as to how the society intends to augment the financiers for the purpose of redevelopment, as it can be seen that in the earlier orders, this Court has taken serious efforts to see that the members of the society are provided shelter, as they already ousted from the premises since 2016.

I have no hesitancy the allow the interim application filed by the MCGM, if it is permitting the on-going redevelopment, but at the same time, the society must behave in accountable manner by keeping this Court informed about the manner in which it has decided to proceed.

2. The Commissioner appointed under the orders of this Court on 15/01/2018, has submitted his report dated 13/12/2022 and he seeks his discharge on the ground that he has retired from the post of Official Assignee.



I deem it appropriate to continue the appointment of the Official Assignee as a Commissioner of this Court, since he is in the helm of affairs since 2018 and he is in a position to assist this Court and, in fact, his appointment has to be continued to assist the society in it's endeavour to prepare a blue print, to be placed before this Court, reflecting some confidence. Let such report be submitted on or before 10/03/2023 on an affidavit, being sworn by the Secretary of the society, giving all the details to which I have made reference above.

3. Re-notify to 16/03/2023. To be listed at 2.30 p.m.

(SMT. BHARATI DANGRE, J.)