

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

**INTERIM APPLICATION (L) NO. 31126 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO. 124 OF 2025**

Antara Housing LLP

...Applicant

V/s.

Primeland Constructions

...Respondent

Mr. Karl Tamboly with Mr. Muttahar Khan and Mr. Himanshu Agarwal
i/b Bellator Legal Services Ltd for the Applicant.

Mr. Ansh Karnawat with Mr. Arun Unnikrishnan, Ms. Urvi Gulechha
and Ms. Ishani Saxena i/b Jadeja and Satiya for the Respondents No. 1
to 3.

Mr. Amey C. Sawant for the Respondent No.4.

CORAM : ABHAY AHUJA, J.
DATE : 7th OCTOBER, 2025

PC. :

1. This Interim Application seeks attachment of Development Rights
Certificate ("DRC") issued / to be issued by the Respondent No.5.

2. Mr. Tamboly, learned Counsel appearing for the Applicant
submits that out of an outstanding decretal amount of over Rs. 40 Crs.,
security of 18,268 sq. ft. has only been provided. That the Court
Receiver has been appointed in respect of all projects of the Judgment
Debtor.

3. Mr. Tamboly further submits that in the third week of September, the Applicant has learnt that the Municipal Corporation i.e. the Respondent No.5 is in the process of releasing the DRC in respect of the land bearing CTS No. 874B11 (pt), new CTS No. 874B/1/9 (pt) of Village Poisar affected by 13.40 mts. DP Road as per sanctioned DP 2034 at Thakur Village, Kandivali East, Mumbai in R/S Ward admeasuring 3732.62 sq. mts.("subject property").

4. Mr. Tamboly submits that upon making further inquiries, the Applicant has come across a letter dated 5th September, 2025 addressed to the Respondent No. 5 by one Mr. Mohammad Noor Mohammad Afzal Shaikh purporting to be a co-owner and constituted attorney for the other co-owners requesting for issuance of DRC in lieu of the surrender of the subject property. That a letter dated 5th September, 2025 addressed to the Respondent No. 5 by the Respondent No.1 requests issuance of DRC in lieu of surrender of the subject property. That there is a letter dated 16th September, 2025 issued by the Respondent No.5 for grant of DRC in respect of the subject property. Mr. Tamboly has taken this Court through the said letters.

5. Mr. Tamboly has also tendered across the bar the order dated 18th July, 2014 passed in the Notice of Motion No 427 of 2014 in Suit No. 187 of 2014 where the Respondent – Judgment Debtor herein, is the Applicant- Plaintiff and owner and owners of the subject property are the Respondents. Mr. Tamboly submits that the MCGM has accorded sanction/approval for the issuance of the DRC and the same are likely to be issued soon and drawing this Court's attention to pages 40 and 41 submits that the approval in Note-3 clearly refers to the grant of the DRC subject to the order / outcome of this Court in pending suit No. 187 of 2014. That the DRC when issued is capable of being attached and sold / monetised in the process of execution of the decree. Considering that there are outstanding of more than Rs. 40 Crs due to the Applicant, the market value of the DRC to be issued would be sufficient to satisfy the decretal amount outstanding. Mr. Tamboly submits that, therefore, this Court may attach the DRC to be issued by the Respondent No. 5.

6. Although Mr. Karnawat, learned Counsel appearing for the Respondents No. 1 to 3 seeks to file reply submitting that the main Execution Application is listed on 13th October, 2025, Mr. Karnawat also tenders across the bar a note of compliance of the consent terms of

October, 2023 to submit that there are 12 properties which have been transferred in the name of the Applicant towards payment of the outstanding decretal dues.

7. Mr. Tamboly with Mr. Khan, learned Counsel appearing for the Decree Holder submit that in respect of the said properties, Court Receiver has been appointed and as there are problems with the said properties, they cannot be used to satisfy the outstanding decretal dues.

8. Having heard the learned Counsel and having considered their submissions, the following order is passed:-

ORDER

(i) Let objections to the Interim Application be removed and registered number be obtained within a period of two weeks.

(ii) Let reply be filed within a period of four weeks with copy to others. Rejoinder in two weeks thereafter with copy to the others.

(iii) In the meanwhile, till the next date the Respondent not to in any manner whatsoever deal with or dispose of the DRC to be issued by the Respondent No.5 in lieu of surrender of the subject property.

9. List on **25th November, 2025.**

Digitally
signed by
NIKITA
YOGESH
GADGIL
Date:
2025.10.07
20:10:28
+0530

(ABHAY AHUJA, J.)