

Kavita S.J.

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

COMMERCIAL SUIT NO.359 OF 2022

Inam Abdus Salam & Ors., **...Plaintiffs**

Versus

Maharashtra Housing & Area **...Defendants**
Development Authority & Ors.,

Mr. Ankit Lohia a/w Mr. Sarthak Soluskar i/b Vinod Mistry & Co., for
the Plaintiffs.

Mr. P.G.Lad a/w Ms. Anjali Maskar for Defendant Nos. 1 to 4.

Mr. G.O. Giri i/b Ms. Komal Punjabi for Defendant No.5.

Mr. Viraj Jadhav a/w Mr. Kevin Pereira i/b Mr. Chinmaya Acharya
for Defendant No.6.

CORAM : R.I. CHAGLA, J.

DATED : 13th AUGUST, 2025.

ORDER :

1. Mr. Ankit Lohia, learned Counsel appearing for the Plaintiffs has referred to the Order dated 19th November, 2024 passed by this Court which in turn had referred to Paragraph 8 of the Order dated 18th July, 2023 passed by the Division Bench of this Court. The Division Bench had recorded: "*8. Should there be a*

default in payment of any installment even after the cure period, the immediate consequence is that the entire amount will be recoverable by MHADA as an enforceable order of this Court against the properties of the Developer i.e. Manav Builders Pvt. Ltd. MHADA will also immediately issue a Notice of Termination or cancellation of the No Objection Certificate (“NOC”) which has been presently issued to the Developer.”.

2. Mr. Lohia has also referred to the subsequent Order dated 14th January, 2025, wherein this Court had recorded the statement of the learned Counsel for Defendant Nos. 1 to 4 - MHADA that NOC granted to the Defendant No.6 – Developer has since been cancelled in view of the defaults in payment of transit rent. This Court had directed that in the Affidavit to be filed by MHADA details of what steps have been initiated by MHADA for recovery of the amounts of transit rent due and payable to the Plaintiffs in terms of the obligation of MHADA, more particularly, mentioned in the said Order dated 18th July, 2023 shall be mentioned.

3. Mr. Lad, learned Counsel appearing for MHADA has tendered an Affidavit dated 27th January, 2025, wherein it is stated

that the Defendant No.6 – Developer has not paid the outstanding amount of rent to the tenants/occupants of the said scheme towards the Temporary Alternate Accommodation, within the stipulated time given by this Court. It is further stated that pursuant to the directions of this Court in the said Order dated 18th July, 2023, the Chief Officer, M.B.R.R. Board issued a Letter dated 19th August, 2024 to the Defendant No.6 – Developer cancelling the NOC granted on 19th December, 2007.

4. In the said Letter dated 19th August, 2024 after extracting Paragraph 8 of the said Order dated 18th July, 2023, it is stated that on the basis of the complaint of tenants, Show Cause Notice had been issued to the Defendant No.6 – Developer vide Letter dated 1st August, 2024 and hearing had been fixed on 8th August, 2024. Further, in the said letter it is stated that during the hearing, the representative of the Defendant No.6 – Developer admitted that Defendant No.6 – Developer had not paid the last installment of Rs.2,32,95,200/- before 20th October, 2023. It was further admitted that as per Paragraph 10 of the said Order dated 18th July, 2023, the Defendant No.6 – Developer had not paid rent from October, 2023 onwards to the tenants.

5. Mr. Lad has sought time to take instructions from MHADA regarding the two installments in tabular form at Paragraph 2 of the said Order dated 18th July, 2023 having been paid by the Defendant No.6 – Developer.

6. Mr. Viraj Jadhav, learned Counsel for Defendant No.6 – Developer has sought for time to place on Affidavit details of the two installments in the tabular form of the Paragraph 2 of the said Order dated 18th July, 2023 having been paid. This will also include the details of when the third installment i.e. Rs.2,32,95,200/- as well as the payment of transit rent from October 2023 onwards till the cancellation of the NOC will be paid.

7. The Defendant No.6 – Developer shall file the said Affidavit, within a period of one week from today.

8. The Interim Application shall be placed on 22nd August, 2025 on the Supplementary Board under the caption ‘for direction’.

9. The Interim Application (L) No.11519 of 2023 shall also be placed on the next date.

[R.I. CHAGLA, J.]