

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 Solaskar i/b Vinod Mistry & Co., for
the Plaintiffs.

Mr. P.G.Lad for Defendant Nos. 1 to 4.

Mr. G.O. Giri a/w Mr. Rohit Gaikwad i/b Ms. Komal Punjabi for
Defendant No.5.

Mr. Gaurav Lele i/b Mr. Chinmaya Acharya for Defendant No.6.

CORAM : R.I. CHAGLA, J.

DATED : 22nd AUGUST, 2025.

ORDER :

1. By Order dated 13th August 2025, this Court had recorded the contents of the Letter dated 19th August, 2024 issued by the Chief Officer, M.B.R.R. Board to Defendant No.6 – Developer cancelling the NOC granted on 19th December, 2007. In the concluding paragraph of the said letter it is also mentioned that the

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separate action for recovery is initiated.

2. Mr. Lad, learned Counsel for MHADA has submitted that it is not for MHADA to recover rent. However, in the event the Plaintiffs forward representation for the outstanding rent and rehabilitation of the Plaintiffs in the subject project to MHADA for taking appropriate steps in accordance with law, the same shall be considered. He has further submitted that there is an amount of INR 4.5 Crores which has been deposited with MHADA.

3. Accordingly, MHADA shall grant hearing to the Plaintiffs on their representation on 4th September, 2025 provided that the representation of the Plaintiffs is forwarded to MHADA by 2nd September, 2025.

4. The Defendant No.6 – Developer has sought extension of time to file Affidavit which was directed to be filed by the said Order dated 13th August, 2025 recording the details of the two installments in the tabular form in Paragraph 2 of the Order dated 18th July, 2023 having been paid as well as details as to when the third installment i.e. Rs.2,32,95,200/- and the payment of transit rent from October, 2023 onwards till the cancellation of the NOC will be paid.

5. Accordingly, extension of time is granted.
6. The Defendant No.6 – Developer shall file Affidavit by 29th August, 2025.
7. The matter shall be placed alongwith Interim Application (L) No.11519 of 2023 for direction on 8th September, 2025.

[R.I. CHAGLA, J.]