

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 1742/2023

(Arising out of impugned final judgment and order dated 06-10-2022 in WP No. 14212/2016 passed by the High Court of Judicature at Bombay)

BOMBAY GOW RAKSHAK MANDALI

Petitioner(s)

VERSUS

M/S ALICA NAGAR BUILDING NO. 5 CO-OPERATIVE
HOUSING SOCIETY LTD. & ORS.

Respondent(s)

(FOR ADMISSION and I.R. AND IA No. 19573/2023 - PERMISSION TO FILE
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 04-09-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Mr. Amar Dave, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. Ankur Saigal, Adv.
Mr. Kaustubh Singh, Adv.
Ms. Kirtida Chandarana, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Heard learned counsel appearing for the petitioner.

The other Cooperative Societies have not objected to the order granting deemed conveyance. Hence, there is no error in the view taken by the High Court.

Accordingly, the Special Leave Petition is dismissed.

However, we clarify that the order granting deemed conveyance shall be subject to the final outcome of the petition filed by the petitioner under Section 34 of the Arbitration and Conciliation Act, 1996 (Commercial Arbitration Petition No.470 of 2022).

This order will not prevent the petitioner from filing proceedings for recovery of the monetary claim against the Developer.

Pending application stands disposed of.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)