

ITEM NO.38+41

Court 6 (Video Conferencing)

SECTION IX

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

Item NO.38

Petition(s) for Special Leave to Appeal (C) No(s). 22253/2017

(Arising out of impugned final judgment and order dated 22-06-2017 in WP No. 294/2017 passed by the High Court Of Judicature At Bombay)

MANGESH JAYWANT CHAVAN (DEAD) THROUGH LRS.

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

IA No. 64611/2021 - EXEMPTION FROM FILING O.T.

IA No. 64610/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 105283/2018 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS)

WITH

SLP(C) No. 11538/2018 (IX)

SLP(C) No. 13948/2018 (IX)

Item NO.41

CONMT.PET.(C) No. 828/2021 in SLP(C) No. 22253/2017

(FOR ADMISSION and IA No.128044/2021-EXEMPTION FROM FILING O.T.....[TO BE TAKEN UP ALONG WITH ITEM NO. 38 I.E. SLP(C) No. 22253/2017])

CONMT.PET.(C) No. 829/2021 in SLP(C) No. 11538/2018 (IX)
(FOR ADMISSION)

CONMT.PET.(C) No. 830/2021 in SLP(C) No. 13948/2018 (IX)
(FOR ADMISSION and IA No.128051/2021-EXEMPTION FROM FILING O.T.)

Date : 08-10-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. Jay Savla, Sr. Adv.
Ms. Renuka Sahu, AOR

For Respondent(s) Mr. Chirag M. Shroff, AOR

Mr. Uday B. Dube, AOR

Mr. Arvind Gupta, AOR

Ms. Vandana Sehgal, AOR

Mr. Sachin Patil, Adv.

Mr. Rahul Chitnis, Adv.

Mr. Aaditya A. Pande, Adv.

Mr. Geo Joseph, Adv.

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

On hearing learned counsel for the parties at some length what appears is that there is a dispute about the quantification of the amount which has to be paid by the respondent No.7 builder to the petitioners before us. It is the say of the said respondent that two of the petitioners are entitled to residential rates but have been paid commercial rates and thus, adjustment has to take place while in the third case, the person has built his own unit on the land and is thus, from that day not entitled to the amount. These aspects would appear from the affidavit filed by respondent No.7 as affirmed on 04.10.2021. On our query, it is stated that respondent No.2 - Maharashtra Housing Area and Development Authority from among the respondents would determine this aspect after hearing all the parties concerned and fix the consequential liability on respondent No.7 and that amount would be paid by the respondent No.7.

Insofar as the larger issue of the project is

concerned, it appears that there are many problems and the matter is also gone to commercial arbitration.

In view of the aforesaid, we consider appropriate to close the present proceedings with the aforesaid direction making it clear that the amount determined by respondent No.2 shall be paid by respondent No.7 within four weeks of such determination after hearing all the parties and this appeal shall be decided within four months.

The Special Leave Petitions and the Contempt Petitions stand disposed of.

Pending applications stand disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)