

ITEM NO.7 Court 6 (Video Conferencing) SECTION III

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Miscellaneous Application No. 1431/2021 in C.A. No. 6059-6061/2019

RAGHULEELA BUILDERS PVT LTD. & ANR. Petitioner(s)

VERSUS

THE MUMBAI METROPOLITAN REGION DEVELOPMENT AUTHORITY  
(MMRDA) & ANR. Respondent(s)

(FOR ADMISSION and IA No.34734/2020-MODIFICATION )

Date : 17-09-2021 This petition was called on for hearing today.

CORAM :

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

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.  
Ms. Diksha Rai, AOR  
Mr. Vibhav K Krishna, Adv.  
Mr. Wattan Sharma, Adv.  
Ms. Palak Mahajan, Adv.

For Respondent(s) Mr. K.K. Venugopal, Ld. Attorney General  
Ms. Madhavi Divan, Ld. ASG  
Mr. Nivit Srivastava, Adv.  
Mr. Ayush Agarwala, Adv.  
Mr. Anuj P Agarwala, Adv.  
Mr. Chinmayee Chandra, Adv.  
Ms. Nidhi Khanna, Adv.  
Mr. Pramod B. Agarwala, AOR

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

Learned counsel for the petitioners submits that on the date when the undertaking was given, the position was of the holding of the different spaces is as reflected in para 9. It is his say that he had moved the application soon after that order as the amount of space held by him individually would be

about 6000 plus and not 18,000 as RIL had rights in 12000 Sq.Mtr. It is his submission that the subsequent developments which have taken place are that on the substantive demands the petitioner(s) has succeeded right till this Court and all that is pending before the High Court now is the quantification of interest as set out in the table at page 13, in which case, the worst case scenario is of interest payable little over 63 crore. He thus seeks modification of the statement made before the Court on 05.08.2019.

On the other hand, learned Attorney General for India seeks to contend that the position would have to be seen as on 05.08.2019 when the outstanding against the petitioner No. 1 was much more and that it is in contempt of the undertaking given to this Court and the respondent is willing to accept the position if the petitioner No. 1 purges itself of the alleged contempt by offering the areas which is of RIL by submitting an affidavit on behalf of the RIL.

We are of the view that it is appropriate in the given facts of the case and in view of the subsequent developments that a reply be called for from the respondent on merits of the application and thus issue notice.

Learned counsel for the respondent accepts notice.

Reply be filed within three weeks.

Rejoinder affidavit be filed within two weeks thereafter.

The contempt petition being Contempt Petition Nos. 347-349/2020 be also listed along with the present matter.

Learned counsel for both the parties are at *ad idem* that the whole controversy can actually be put to rest in the writ petition pending before the High court bearing No. 212/2019 is given a quietus one way or the other.

We are informed that in fact even judgment was reserved in the matter but on certain accounts it had to be de-reserved. We may request the High Court to give quietus to the matter as early as possible with liberty to the parties to mention before the Bench.

In view of what has been set out aforesaid, the contempt petition Nos. 347-349/2020 and this application be posted after the decision in WP No. 212/2019 by the Bombay High Court.

[CHARANJEET KAUR]  
ASTT. REGISTRAR-cum-PS

[POONAM VAID]  
COURT MASTER (NSH)