

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.505 OF 2018

Abhini Developers Private Limited	...Petitioner
vs.	
Chief Executive Officer, S.R.A. and Ors.	...Respondents

Mr. P.K. Dhakephalkar, Sr. Advocate a/w. Mr. Chirag Balsara, Mr. Aftab Diamondwala i/b. Diamondwala & Co., for the Petitioner.
Mr. V.D. Patil, for Respondent Nos. 1 and 2.
Ms. Trupti Puranik, for Respondent No. 3.
Mr. Chetan Kapadia a/w. Mr. Rajeev C. i/b. Saseera Mahadik, for Respondent No. 4.
Mr. Milind Sathe, Sr. Advocate i/b. Pankaj Uttaradhi, for Respondent No. 7.
Mr. Kunal Bhange, AGP for the Respondent-State.

**CORAM : SHANTANU KEMKAR &
R.G. KETKAR, JJ.**

DATE : FEBRUARY 21, 2018

P.C.:

. It is not in dispute that during the pendency of the Appeal, the Apex Grievance Redressal Committee (in short “the Committee”) had granted the order of status quo in favour of the Petitioner on 20th January, 2018. The said status quo order, however, was not extended on the next date of hearing as there was no coram available of the said Committee. In the circumstances, in the absence of continuation of order of status quo, Respondent No. 4 – Society has passed a Resolution appointing Respondent No. 7

Mr. Atul Shiroadkar as a Developer. Feeling aggrieved, the Petitioner has filed this Petition.

2. Having heard the learned counsel for the parties, we find that the action of the Committee of not extending the status quo order for want of coram and Respondent No. 4 – Society's subsequent action of proceeding ahead, has caused serious damage to the Petitioner whose Appeal is still pending.

3. In the circumstances, as agreed by the learned counsel for the parties during the course of hearing, we dispose of this Petition by directing the Committee to decide the Petitioner's Appeal as expeditiously as possible but in any case not later than four weeks from the date of appearance of the parties before the Committee.

4. The parties to appear before the Committee on 17th March, 2018 at 11.00 am.

5. In the meanwhile, during the pendency of the Appeal before the Committee, the status quo as it exists today shall be maintained by the parties.

6. However, it is made clear that neither Respondent No. 4 nor Respondent No. 7 shall claim any equity on the basis of action which they have taken after the status quo order was not continued.

7. The Petition is disposed of as such.

(R.G.KETKAR, J.)

(SHANTANU KEMKAR, J.)