

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.4619 OF 2022**

M.N.Koli Co-operative Housing Society Ltd. ... Petitioner
versus
The Apex Grievance Redressal Committee & Ors. ... Respondents
WITH
INTERIM APPLICATION (L) NO.36999 OF 2022
IN
WRIT PETITION NO.4619 OF 2022

Arun Vishnu Dandekar and Ors. ... Applicants
and
M.N.Koli Co-operative Hsg. Soc. Ltd. ... Petitioner
versus
The Apex Grievance Redressal Committee & Ors. ... Respondents
WITH
INTERIM APPLICATION NO.3849 OF 2022
IN
WRIT PETITION NO.4619 OF 2022

M.N.Koli Co-operative Hsg. Soc. Ltd. ... Applicant/Petitioner
versus
The Apex Grievance Redressal Committee & Ors. ... Respondents
WITH
INTERIM APPLICATION (L) NO.27539 OF 2022
IN
WRIT PETITION NO.4619 OF 2022

Namdev Bhikaji Pagdhare and Ors. ... Applicants
and
M.N.Koli Co-operative Hsg. Soc. Ltd. ... Petitioner
versus
The Apex Grievance Redressal Committee & Ors. ... Respondents

WITH
WRIT PETITION NO.4621 OF 2022

HRUB Realty Pvt. Ltd. And Anr.	...	Petitioners
versus		
State of Maharashtra and Ors.	...	Respondents

Mr. Darius Khambata, Senior Advocate with Mr. Mayur Khandeparkar, Mr. Vaibhav Charalwar, Mr. Ajay Vazirani, Mr. Shiraj Salekar, ms. Anuja Abhyankar, Ms. Raksha Thakkar, ms. Prachi Vasudeo i/by Lexicon Law Partners for Petitioner in WP 4619 of 2022 and for Applicant in IA 3849 of 2022.

Mr. Kewal Ahya for Petitioner in WP 4621 of 2022.

Dr. Abhinav Chandrachud with Mr. Kewal Ahya for Respondent No.4 in WP 4619 of 2022.

Mr. Amit Shastri, AGP for Respondent No.5 in WP 4619 of 2022 and for Respondent No.1 in WP 4621 of 2022.

Mr. Atul Damle, Senior Advocate with Mr. Abhijit Kulkarni, Ms. Krishna Jaybhay, Ms. Shweta Shah, Mr. Aditya Mahadia, Ms. Krushna for Respondent No.1 in WP 4619 of 2022 and for Respondent No.2 in WP 4621 of 2022.

Mr. Jagdish G. Aradwad (Reddy) for Respondent No.2 in WP No.4619 of 2022 and for Respondent Nos.2 and 3 in WP 4621 of 2022.

Mr. Nikhil Sakhardande, Senior Advocate with Mr Swapnil Bangur, Mr. Mandar Soman with Mr. Santosh Pathak, Ms. Archana Karmokar i/by Law Origin for Respondent No.3 in WP 4619 of 2022 and for Respondent No.5 in WP 4621 of 2022.

Mr. Girish Godbole with Mr. Nimish Lotlikar for Applicant in IAL 27539 of 2022.

CORAM: N.J.JAMADAR, J.

DATE : 21 DECEMBER, 2022

P.C.

WRIT PETITION NO.4619 OF 2022

1. This Petition assails the order dated 4 August 2022 passed by the Apex Grievance Redressal Committee – Respondent No.1, in Application No.165 of 2021, whereby the Application filed by Accanoor Associates – Respondent No.3 came to be

allowed and the order dated 7 October 2021 passed by the Chief Executive Officer, SRA, terminating the appointment of Respondent No.2 as a developer of the S.R.Scheme on the land bearing C.S.No.1463 of Mahim for M.N.Koli CHS Ltd., was set aside.

2. One of the grievances in the Petition is that the Respondent No.1 has recorded an incorrect finding that the CEO, SRA had not taken into account the effect of letters dated 4 August 2021 and 6 August 2021.

3. Having considered the impugned order passed by Respondent No.1 and the order passed by the CEO, SRA, with consent of the Petitioner and the Respondent No.3, the impugned order stands set aside and the matter is remanded back to Respondent No.1 for afresh decision after providing an effective opportunity of hearing to the parties to the said Application.

4. Mr. Damle, learned Senior Advocate appearing for Respondent No.1, submits that the Application No.165 of 2021, would be taken up for hearing in the first sitting of Respondent No.1 proposed to be held in the month of January 2023.

5. The Apex Grievance Redressal Committee, Respondent No.1, is requested to decide the Application No.165 of 2021 afresh as expeditiously as possible.

6. All contentions of all the parties are kept open for consideration before the Respondent No.1. It is clarified that this Court has not entered into the merits of the matter.

WRIT PETITION NO.4621 OF 2022

7. HRUB Realty Pvt. Ltd. (Respondent No.4 in Writ Petition No.4619 of 2022) has preferred a separate Petition being No.4621 of 2022 assailing the order dated 17 August 2022 cancelling their appointment as a new developer consequent to the order passed by the Respondent No.1 in Application No.165 of 2021.

8. Since the said order dated 17 August 2022 is essentially consequential to the order dated 4 August 2022 in Application No.165 of 2022, it would be suffice to record that the fate of the appointment of HRUB Realty Pvt. Ltd., would depend upon the outcome of the proceedings in Application No.165 of 2021 before the Apex Grievance Redressal Committee.

9. With the aforesaid clarification, both the Writ Petitions stand disposed.

10. Interim Applications also stand disposed.

11. Contentions of all the parties therein are kept open.

(N.J.JAMADAR, J.)