

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1471 OF 2019
IN
COMPANY APPLICATION NO. 13 OF 2018
IN
COMPANY PETITION NO. 949 OF 2014

The Square Shop and Flat ... Applicant
Owners Association

In the matter between

Anil Bajranglal Agarwak ... Petitioner

vs.

Mantri Realty Ltd and Anr. ... Respondents

Ms. Ekta Dalvi i/b. Mr. Jitendra Shah for the Applicant.

Mr. Devendran Tiwari i/b. Chambers of Siddhartha Murarka for the Original
Petitioner.

Mr. Prathamesh Kamat for the Official Liquidator.

CORAM : A. K. MENON, J.

DATED : 8th JUNE, 2022

P.C. :

1. By this application the applicant seeks leave to file application before the Real Estate Regulatory Authority ("RERA") for registration of project "tHE Square Flat and Shop Owners Co-op Housing Society Ltd" at Solapur. That application has been pending and orders have been passed in group of matter commencing with Company Application no. 13 of 2018. By order dated 27th January, 2020 the court declined to allow registration of the project since one

M/s. KK Builders and Developers who are owners of the land in question and
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also had a share in development was then before this court had certain claims against the applicant association.

2. The applicant association represented by counsel today states that they are still in the process of negotiating with the said M/s. KK Builders and Developers and that is only upon that negotiation fructifying that this application can be heard. Accordingly, I pass the following order:

- (i) Interim Application is disposed.
- (ii) Liberty is granted to the applicant to apply for restoration of the application after a settlement is arrived at, if any, with M/s. KK Builders and Developers.
- (iii) It is clarified that no fresh application is required to be filed but a praecipe is required to be filed seeking restoration and on the basis of settlement with M/s. KK Builders and Developers and a copy of the said settlement shall be annexed to the praecipe.

(A. K. MENON, J.)