

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1037 OF 2022

Nandini Shenoy & Anr

...Petitioners

Versus

The Vice President and Chief Executive Officer &
Ors

...Respondents

Mr Ramesh Ramamurthy, *with Saikumar Ramamurthy, Kavita Anchan, Seema Sorte, Akhilesh Deshmukh & Karthik Pillai, for the Petitioners.*

Mr Anshuman Deshmukh, *h/f TD Deshmukh, for the Respondent-MHADA.*

Mr Haresh Jagtiani, *Senior Advocate, with Suprabh Jain, Vandana Mehta & Mohammed Shariq Shaikh, i/b Nitin Patil, for Respondent No. 4.*

CORAM G. S. Patel &
 Neela Gokhale, JJ.
DATED: 18th July 2023

PC:-

1. This order will dispose of the Writ Petition.
2. Mr Jagtiani for the 4th Respondent states that possession has been delivered to the Petitioners. He agrees that if there are any shortcomings or defects reasonably required in the finishing works,

those will be attended to upon the Petitioners' advocates pointing out specifically what remains to be done, and of course provided that these works falls within the obligations of the 4th Respondent under the Development Agreement or the Permanent Alternative Accommodation Agreement (“**PAAA**”) as the case may be.

3. As to transit rent, Mr Ramamurthy has a substantial claim of either Rs. 38 lakhs or more or Rs. 46 lakhs or more depending on whether what he calls a “normal increase” is included or whether a penalty component is included. It is clear that so far, an amount of Rs. 42,99,840/- was paid as transit rent prior to Court orders, and an additional amount of Rs. 39,70,000/- has been paid pursuant to orders of the Court.

4. We are unable to convert the Writ Court and the writ jurisdiction into money recovery proceedings or to issue a mandamus against private Respondents in matters like this. These are purely commercial or civil disputes and they must go to a jurisdictionally competent Court or forum.

5. As far as this Writ Court is concerned, no further orders are required, and the Writ Petition is disposed of. There will be no order as to costs.

6. It is open to the Petitioners to file an appropriate proceeding in a Court of competent jurisdiction for the remaining reliefs if they are so advised. All contentions are kept open except as to the

amount actually paid as noted above, and the factual question of possession.

(Neela Gokhale, J)

(G. S. Patel, J)