



Varsha

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**WRIT PETITION NO. 1729 OF 2023**

CR Ramaswamy &amp; Ors

...Petitioners

*Versus*

The Chief Officer Mumbai Building Repair &  
Reconstruction Board & Ors

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...Respondents

**Mr JK Shah, i/b R J Law, for the Petitioners.****Ms Rupali Adhate, for the Respondent-MCGM.****Ms Sayli Apte, i/b PG Lad, for Respondent No.1-MHADA.****Mr Saket Mone, with Devansh Shah, i/b Vidhii Partners, for  
Respondent No.4.**

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**CORAM    G.S. Patel &  
                 Kamal Khata, JJ.**

**DATED:    29th November 2023**

**PC:-**

1. Pursuant to our previous order dated 9th November 2023, there is a further Affidavit dated 24th November 2023 filed by one Govind Krishnan Muthukumar on behalf of Respondent No 4. The Affidavit states that the 4th Respondent is developing a property at Plot No 269, CS No 19/10 of the Matunga Division. The building is known as Shanti Niwas. Construction is on going.

2. As currently advised, and other things remaining equal, the 4th Respondent plans to complete construction and deliver possession by 19th August 2024. However, paragraph 5 itself says

that a grace period of about 60 days may be required. This is not unreasonable because in all construction projects there are unexpected delays.

3. We have considered the prayers in the Petition. Our previous orders also indicate that other grievances have been addressed including the question of arrears on transit rent. To be perfectly clear, the Petitioners claimed that certain additional amounts are due and that they are also entitled to escalation in the amount of transit rent in terms of the Permanent Alternative Accommodation Agreement (“PAAA”). But these are surely matters that are to be decided in a civil action or, if there is an Arbitration Agreement, then in arbitration. In a Writ Petition, we do not see how we can possibly issue a writ of mandamus that is equivalent to a decree in specific performance.

4. We accept the statements made in the Affidavit referred to above as undertakings to the court.

5. No further orders are required in the Writ Petition, and it is disposed of in these terms.

6. It is open to the Petitioners to adopt such other remedies as they may be advised for any further or remaining reliefs.

**(Kamal Khata, J)**

**(G. S. Patel, J)**