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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 476 OF 2024
IN
WRIT PETITION NO. 27 OF 2022

Najaribai Ganeshlal Jain and anr. ...Petitioners
Versus
State of Maharashtra and ors. ...Respondents

WITH
CONTEMPT PETITION NO. 481 OF 2024
IN
WRIT PETITION NO. 2196 OF 2021

Pravin Hargan Shah and anr. ...Petitioners
Versus
State of Maharashtra and ors. ...Respondents

WITH
CONTEMPT PETITION NO. 495 OF 2024
IN
WRIT PETITION NO. 3826 OF 2021

Mansukh Valjibhai Shah ...Petitioner
Versus
State of Maharashtra and ors. ...Respondents

Adv Manish Gala, a/w Adv Nilesh Gala, Adv Minil Shah, Adv

Shivansh Bhargav i/b. Law Square, for the Petitioners in all Contempt Petitions.

Mr Dashrath A Dube, a/w Mr Rupesh Dubey, for Respondent No.6-UOI in CP/476/2024.

Ms M. P. Thakur, AGP, for the Respondent-State in CP/476/2024 and CP/481/2024.

Mr P. G. Sawant, AGP, for the Respondent-State in CP/495/2024.

Mr P. G. Lad, a/w Ms Sayli Apte, Ms Shreya Shah, for the Respondent-MHADA.

Mr Yash Momaya, a/w Mr Munaf Virjee a/w Ms Nehaa Shah i/b. AMR Law for Mr Asif Parekh in all Contempt Petitions.

Mr Parantap Mahadevia, Mr Tejas Bhat i/b. Rustamji & Ginwala, for Contemnor No.4 in all Contempt Petitions.

Mr R. Y. Sirsikar, for Respondent No.6-contemnor in CP/495/2024.

CORAM **M.S. Sonak &
Kamal Khata, JJ.**
DATED: **9th September 2024**

PC:-

1. Heard learned counsel for the parties.
2. Learned counsel for the parties agree that the common order can dispose of all these Contempt Petitions by treating the Contempt Petition No.476 of 2024 as the lead Petition.
3. The Petitioner alleges contempt of our order dated 11 August 2023. Learned counsel for the Petitioner points out that the Maharashtra Housing and Area Development Authority ("MHADA") is not acting per the law in appointing another developer. He says that a proxy of the original

developer is sought to be appointed as a developer, and such a decision would not amount to a decision in accordance with law.

4. Learned counsel for the Petitioner states that MHADA has not certified the amount recoverable from the developers to date. He says that MHADA has not made and communicated any order on the issue of arrears. This, he states, amounts to a breach of the directions in paragraphs 10 and 11 of our order dated 11 August 2023.

5. We have heard the learned counsel for the parties and perused the record. For reasons discussed hereafter, no case is made to exercise the contempt jurisdiction.

6. In paragraph 8 of our order dated 11 August 2023, we stated that it was open to MHADA to appoint another developer in accordance with the law. There was no direction as such to appoint another developer. In this case, MHADA is in the process of appointing another developer.

7. Suppose the Petitioner has any grievance about MHADA's decision on the appointment or non-appointment of any other developer in that case, it is open to the Petitioner to challenge such a decision per law. However, no contempt can be alleged given that there was no direction as such, and we had only clarified that it was open to MHADA to proceed in accordance with the law for the appointment of another developer.

8. Regarding alleged non-compliance with the directions in paragraphs 10 and 11, Mr Laad states that MHADA has already certified the amounts payable towards arrears and even communicated its decision to the LOC holder. He states that this was done by order dated 16th April 2024, and a copy of such order is now furnished to the learned counsel for the Petitioner and learned counsel for the LOC holder (Respondent No.3).

9. Accordingly, we do not think this case warrants the exercise of our contempt jurisdiction. However, if the Petitioner has any grievances, it is always open to the Petitioner to challenge MHADA's decisions before the appropriate forum and by following the law.

10. These Contempt Petitions are accordingly disposed of with liberty as above.

(Kamal Khata, J)

(M.S. Sonak, J)