

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11230 OF 2022
WITH
INTERIM APPLICATION NO. 6321 OF 2024

Shree Sadguru And Deluxe JV	...Applicant/Petitioner
Versus	
Amrit Premraj Mistry	...Respondent

WITH
WRIT PETITION NO. 11094 OF 2022
WITH
INTERIM APPLICATION NO. 6320 OF 2024

M/s Shree Sadguru And Deluxe Jv.	...Applicant
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In the matter between :

Mangilal Premraj Mistry	...Petitioner
Versus	

Apex Redressal Committee & Ors.	...Respondents
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Mr. Altaf Khan, with Ms. Supriya Ghadge, for the Petitioner in
WP/11094/2022 & WP/11230/2022.

Mr. Atul Damle, Senior Advocate, with Ms. Payal Vardhan, i/b
Akash Gupta, for Respondent No.4.

Mr. Girish Utangale, with Saurabh Utangale, i/b Utangale & Co,
for Respondent No.2-SRA in WP/11230/2022.

Mr. Jagdish G. Aradwad (Reddy), for Respondent-AGRC, in all
Writ Petitions.

Mr. Anil Singh, Senior Advocate, Mr. Amogh Singh, Mr. Adarsh Vyas and Mr. Akash Gupta, i/b Jeet Gandhi, for the Intervenor. SRA's CEO, present in person.

Smt. V.R. Raje, A.G.P for the Respondent – State.

CORAM : AVINASH G. GHAROTE, J.
DATE : 12th JULY 2024

P.C.:

1. The learned counsel for the petitioner upon instructions of the petitioners in both the petitions submits that the same benefit, which has been granted to the petitioner in Writ Petition 11213 of 2022 by the order dated 11.07.2024, in view of what has been recorded in paragraphs 4 and 5 be extended to the petitioners and petitioners would vacate the commercial structure No.F-5 and F-6 by 15.08.2024.

2. Paragraphs 4 and 5 of the order dated 11.07.2024 in Writ Petition No. 11213 of 2022 read as under:

“4. There is a new Developer in place of M/s.Om Omega Shelters viz. M/s.Anantaya Buildcom LLP (page 157), who as stated by Mr.Damle, learned senior counsel for the respondent No.5, would be liable to pay the rent for the alternate premises for the transitory

period and it is assured that the petitioners, would be paid the rent accordingly.

5. Any claim for an additional entitlement over and above what the petitioners are statutorily entitled, would be the matter between respondent No.5 and the petitioners to be negotiated between them with which the SRA is not concerned. The plea of quantum of rent and the period for which the petitioners would be entitled is kept open. It is based upon what has been recorded above that Mr.Vikramjit Garewal, learned counsel for the petitioners in WP No.11213 of 2022 was asked to indicate the date on which the premises would be vacated and handed over to the Developer, he is unable to make a statement in this regard, today.”

3. He further submits, that since these are commercial premises and since the Competent Authority in the order dated 15.09.2021 has not decided the aspect about providing alternate commercial premises on the ground floor of the proposed SRA Scheme, he will make a representation to the SRA, who shall without being influenced by what has been said in the earlier orders, prior to this date, consider the request on its own merits and decide it in terms of the scheme which is sought to be developed. This proposal is acceptable to Mr.Girish Utangale, the learned counsel for SRA. It is therefore, directed that the

petitioner shall make appropriate application to SRA for granting them alternate permanent accommodation, as far as possible on the ground floor of the proposed scheme, which application shall be decided by the SRA by considering all the relevant factors.

4. One way or other, he further submits, that for the purpose of filing of an undertaking to vacate the premises in question, the matter be fixed on 18.07.2024 so that the undertakings under the signature of his clients would be placed on record.

5. List these petitions on 18.07.2024.

(AVINASH G. GHAROTE, J.)