

Ganesh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 477 OF 2024

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IN

WRIT PETITION NO. 1452 OF 2023

Godrej Residency Pvt Ltd	...Applicant
<i>In the matter between</i>	
Mohammed Riyaz Usman Shaikh	...Petitioner
<i>Versus</i>	
Mohammed Riyaz Usman Shaikh & Ors	...Respondents

WITH

CONTEMPT PETITION (L) NO. 21941 OF 2023

IN

WRIT PETITION NO. 1452 OF 2023

Mohammed Riyaz Usman Shaikh	...Petitioner
<i>Versus</i>	
Neelkamal Realtors Tower Pvt Ltd	...Respondent

WITH

CONTEMPT PETITION (L) NO. 21943 OF 2023

IN

WRIT PETITION NO. 1451 OF 2023

Subodh Timappa Shanbhag	...Petitioner
<i>Versus</i>	
Neelkamal Realtors Tower Pvt Ltd	...Respondent

WITH
INTERIM APPLICATION NO. 478 OF 2024
IN
WRIT PETITION NO. 1451 OF 2023

Godrej Residency Pvt Ltd	...Applicant
<i>In the matter between</i>	
Subodh Timappa Shanbhag & Anr	...Petitioners
<i>Versus</i>	
Maharashtra Housing and Area Development Authority & Ors	...Respondents

Mr Sharan Jagtiani, Senior Advocate, with Akshay Doctor, Ms Aneesa Cheema, Dipti Das, Sunil Vyas & Shriya Nalawade, i/b Fox Mandal & Associates LLP, for the Applicant in IA/477/2024 & IA/478/2024 and for Respondent No 4, in CONPWL/21941/2023 & CONPWL/21943/2023.

Ms Rupali Adhate, for the Respondent-BMC.

Mr PG Lad, with Sayli Apte & Shreya Shah, for the Respondent-MHADA.

Mr Karl Tamboly, with Sneha Vani Marjadi i/b Sneha Vani Marjadi, for Respondent No 6 in IA/477/2024 & IA/478/2024 and for Respondent No 1 in CONPWL/21941/2023 & CONPWL/21943/2023.

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

DATED: 1st April 2024

PC:-

1. We have by our order dated 19th March 2024 dealt with the issue regarding non-execution of a Permanent Alternate Accommodation Agreement (“PAAA”) by individuals who are

entitled to re-accommodation. Their objection was in regard to the inclusion of the name of Godrej Residency Pvt Ltd (“**Godrej**”) in the PAAA. We dealt with that objection.

2. Mr Shukla on behalf of several Petitioners says that there is now no impediment to the execution of the PAAA.

3. It seems that there are several others who are in possession of rehab tenements but have not executed PAAAs. We are told that this is because there is substantially the same ground regarding the No Objection Certificate (“**NOC**”) of the Maharashtra Housing and Area Development Authority (“**MHADA**”). That aspect is fully covered by our order dated 19th March 2024.

4. Thus, all these persons who have not executed PAAAs but are entitled to the execution of the PAAA will do so in accordance with our order dated 19th March 2024.

5. Mr Shukla however points out, and we believe rightly, that there is still a question of arrears of transit rent. If there are indeed any arrears, these will of course have to be paid but those arrears must be reckoned up to the date of possession, not the date of execution of the PAAA. None can have any possible objection to this. We leave it to MHADA to supervise the payment of the transit rent. If there is any dispute in regard to the transit rent, we give both sides liberty to apply but we clarify that this will not come in the way of execution of the PAAA. All agreed arrears of transit rent are to be

cleared by 19th April 2024. All PAAAs are to be executed by 23rd April 2024.

6. Mr Shukla states that some of the individuals may not be in the country. He does not have instructions to say whether they have given Power of Attorney to other persons.

7. List the Writ Petition for directions on 23rd April 2024. By that date, Mr Shukla will obtain the necessary particulars.

8. The Contempt Petitions and all IAs are disposed of in view of these two orders.

(Kamal Khata, J)

(G. S. Patel, J)