



Pradnya

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**WRIT PETITION NO. 925 OF 2024**

Shakil Mohammed and ors. ...Petitioners  
*Versus*  
State of Maharashtra and ors. ...Respondents

**WITH**  
**INTERIM APPLICATION (L) NO. 24273 OF 2022**  
**IN**  
**WRIT PETITION NO. 925 OF 2024**

Shakila Khatoon Mohd. Mumtaz Shaikh and ors. ...Applicants  
*In the matter between*  
Shakil Mohammed and ors. ...Petitioners  
*Versus*  
State of Maharashtra and ors. ...Respondents

**WITH**  
**INTERIM APPLICATION (L) NO. 24282 OF 2022**  
**IN**  
**WRIT PETITION NO. 925 OF 2024**

Ashirwad Shelaji Developers LLP ...Applicant  
*In the matter between*  
Shakil Mohammed and ors. ...Petitioners  
*Versus*  
State of Maharashtra and ors. ...Respondents

**WITH**  
**INTERIM APPLICATION NO. 3337 OF 2021**  
**IN**  
**WRIT PETITION NO. 925 OF 2024**

|                               |                |
|-------------------------------|----------------|
| Farid A. Farash and ors.      | ...Applicants  |
| <i>In the matter between</i>  |                |
| Shakil Mohammed and ors.      | ...Petitioners |
| <i>Versus</i>                 |                |
| State of Maharashtra and ors. | ...Respondents |

**WITH**  
**INTERIM APPLICATION (L) NO. 13487 OF 2022**  
**IN**  
**WRIT PETITION NO. 925 OF 2024**

|                                         |                |
|-----------------------------------------|----------------|
| Shakil Ahmed Rashid Ahmed Khan and ors. | ...Applicants  |
| <i>In the matter between</i>            |                |
| Shakil Mohammed and ors.                | ...Petitioners |
| <i>Versus</i>                           |                |
| State of Maharashtra and ors.           | ...Respondents |

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**Mr. M. A. Khan, a/w Ms. Dipti Mehta, Mr. A. Husain, for the**  
*Petitioners.*  
**Mr. Nishigandh Patil, AGP , for the Respondent-State.**  
**Dr. Milind Sathe, Senior Advocate, a/w Ms. Priyanka Sonawane,**  
*for the Respondent-BMC.*  
**Mr. Rakesh Agrawal, for Respondent No.6.**

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**CORAM   M.S. Sonak &**  
**Kamal Khata, JJ.**  
**DATED:   22nd July 2024**

**PC:-**

1. Heard learned counsel for the parties.
2. Learned counsel for the 6th Respondent (Developer), today hands over three demand drafts concerning Petitioner Nos.27, 28 and 35 (wrongly referred to as Petitioner Nos.27, 28 and 34 in our order dated 28th August 2023) towards the arrears of transit rent.
3. The above calculations have been done upto 30th November 2023. However, learned counsel for the Petitioners states that the possession was offered to the above three Petitioners in April 2024. Accordingly, he submits that the arrears should be calculated upto the end of April 2024.
4. Considering our order dated 28th August 2023, in which we had directed the 6th Respondent to deposit the arrears in this Court and further, the fact that no such deposit was made by the 6th Respondent in this Court, we direct the 6th Respondent to pay the arrears upto end of April 2024 to the above three Petitioners.
5. Learned counsel for the 6th Respondent, based on instructions from the 6th Respondent who is present in the Court states that the additional amount of arrears upto end of April 2024 would be paid to the above three Petitioners on or before 29th July 2024. He says that if there is any default, then, in addition to any action that could be taken against the 6th Respondent under the Contempt of Court's Act, the 6th Respondent will pay a further amount of Rs.2,00,000/- (Rupees Two Lakhs only) to each of the Petitioners by way of compensation.

6. Learned counsel for the 6th Respondent states that the Permanent Alternate Accommodation Agreement (“PAAA”) will be executed by the 6th Respondent within two weeks from today i.e. by 5th August 2024 subject to the three Petitioners complying with the usual formalities. Learned counsel for the three Petitioners submits that these three Petitioners will execute the PAAA without prejudice to their rights to recover additional 10 % transit rents.

7. Therefore, it is clarified that merely because the 6th Respondent has now agreed to pay rents upto April 2024 or that the three Petitioners have agreed to sign the PAAA, that will not preclude either parties from taking up civil proceedings to establish their claims on the issue of arrears of rent.

8. With the above clarifications, we dispose of this Writ Petition. There shall be no order for costs. All concerned to act on an authenticated copy of this order.

9. Pending Interim Applications, if any, are also disposed of.

10. Liberty to the parties to apply in case of any difficulties in compliance.

**(Kamal Khata, J)**

**(M.S. Sonak, J)**