

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

COMMERCIAL ARBITRATION PETITION NO.287 OF 2024

D S Realtors & Ors. ... Petitioners

V/s.

Pant Nagar Parivartan Cooperative Housing
Society Limited & Ors. ... Respondents

Mr. Gauraj Shah a/w V. A. Joshi i/by Chitnis Vaithy & Company for the
Petitioner.

Mr. Jaydeep i/by Rushabh Thacker for Respondent Nos.2 to 17 and 19 to 30, 32
and 33.

Ms. Shreya Shah i/by P. G. Lad for Respondent No.35-MHADA.

CORAM : ARIF S. DOCTOR, J.

DATE : 13TH AUGUST 2024

P.C. :

1. When the matter was called out, Mr. Jaydeep, Learned Counsel
appearing on behalf of Respondent Nos.2 to 17 and 19 to 30, 32 and 33 points
out that an Administrator has been appointed in respect of the First Respondent
Society.

2. Learned Counsel appearing on behalf of the Petitioner seeks leave
to carry out an amendment to joint the Administrator as a party Respondent. He

tenders draft amendment, which is marked 'X' for identification. The said amendment is allowed. Amendment to be carried out during the course of tomorrow, i.e., 14th August 2024. Re-verification is dispensed with.

3. Learned Counsel for the Petitioner undertakes to intimate the newly impleaded Respondent of the next date of hearing.

4. Stand over to 20th August 2024.

5. At this stage, Learned Counsel for the Petitioner also points out that on 5th August 2024 Municipal Corporation has addressed a letter to the Deputy Chief Engineer in respect of Building No.150, Parivartan Cooperative Housing Society Limited, which records that the building is in a dilapidated condition and poses a threat to the pedestrians as also residents of the building. He submits that given the condition of the said building, the Petitioner should not be held liable in the event of any such unfortunate mishap occurring, since the Petitioner has been unable to proceed with the redevelopment work solely on account of certain non-cooperating members, i.e., certain Respondents. The statement is accepted.

(ARIF S. DOCTOR, J.)