

**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 Vir Patel a/w Maaz Qureshi i/by Chitnis Vaithy &
Company for the Petitioners.

Mr. Jaydeep Raut i/by Rushabh Thacker for Respondent Nos.2 to 17, 19 to 30,
32, 33 and 34.

Mr. Sagar N. for Respondent No.36 Administrator.

CORAM : ARIF S. DOCTOR, J.

DATE : 8TH OCTOBER 2024

P.C. :

1. This is a Petition filed under Section 9 of the Arbitration &
Conciliation Act, 1996 seeking reliefs under the Development Agreement dated
5th September 2018.

2. The Petition is opposed by various individuals, who are stated to
be non-cooperating members of the Respondent-Society. Affidavits in Reply

have been filed by the said members. It is their contention that the Development Agreement is void. However, Respondent-Society, with whom the Development Agreement has been executed, has not yet been filed an Affidavit in Reply. The reason for this is that an Administrator was appointed *qua* Respondent No.1. I am informed that recently the said Administrator had been discharged. Hence, let the Affidavit in Reply be filed by Respondent No.1 within a period of two weeks from today. It is made clear that no further time shall be granted to file the same. Affidavit in Rejoinder, if any, to be filed one week thereafter.

3. At this stage, Learned Counsel for the Petitioners points out that the Court had already noted on the previous occasion that the structure in question is in extremely dilapidated condition and therefore the occupants who are continuing to reside in the said structure, are at their own risk as to the consequences. Learned Counsel appearing on behalf of the Respondents submit that the structure is not in a dilapidated condition and confirms that the respective clients, who are continuing to reside in the said structure, are fully conscious of this fact.

4. Stand over to 19th November 2024 for hearing.

5. Any Affidavits in Reply and/or Additional Affidavits, if any, to be filed in the Registry on or before the next date.

(ARIF S. DOCTOR, J.)