

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO.273 OF 2024**

Sahakar Builders And Developers

... Petitioner

V/s.

Om Pushpanjali Cooperative Housing
Society Ltd. & Ors.

... Respondents

Mr. Vishal Kanade (through VC) a/w Jhanvee Joshi, Kartik Tiwari, Devang Shah,
Aditya Kanchan i/by Lakshyavedhi Legal for the Petitioner.

Mr. Nikhil Karnavat a/w Rahul Karnik i/by Rahul Karnik for Respondent No.1.

Mr. Aviraj Tarar, Hardik Rathod a/w Bhushan Walimbe & B. Joshi for
Respondent Nos.2 to 5.

Ms. Gauri Joglekar a/w Praful Patil a/w Shama Shekh i/by Meraki Legal for Mr.
Wate-Intervenor.

CORAM : ARIF S. DOCTOR, J.

DATE : 19TH SEPTEMBER 2024

P.C. :

1. Learned Counsel appearing on behalf of Respondent Nos.2 to 5 sought time to file an Additional Affidavit to place on record the guidelines issued by the State Government, which he submits, are mandatory in nature and have not been followed by Respondent No.1-Society.

2. Mr. Kanade, Learned Counsel appearing on behalf of the Petitioner submits that the guidelines are not mandatory and are only to be left

to the discretion of the Society to follow the same or not. He submits that the position is well settled. He opposes the grant of time since he submits that the grave prejudice will be caused to the Developer as also to the other members of the Society.

3. At this stage, I made it clear to Learned Counsel appearing on behalf of Respondent Nos.2 to 5 that in the event if the Court finds no merit in the opposition raised to the redevelopment, the order of costs would follow. If the Development Agreement provides any consequential reliefs for non-cooperating members who are being withhold with all the benefits of the Development Agreement, such an order would follow to that effect also.

4. Hence, Additional Affidavit to be filed on or before 24th September 2024.

5. Stand over to 26th September 2024 (HOB).

6. Ms. Gauri Joglekar today enters appearance on behalf of Mr. Wate, the owner of Flat No.A-21 and seeks to make submissions in that regard.

(ARIF S. DOCTOR, J.)