

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 58 OF 2024**

Mayank Anil Khandwala ...Petitioner

Versus

Bhairavi Co Operative Housing Society Ltd. & Ors. ...Respondents

WITH

ARBITRATION PETITION (L) NO.36324 OF 2022

MDH Development Corporation ...Petitioner

Versus

Bhairavi Co-Operative Housing Society Ltd. ...Respondent

WITH

ARBITRATION PETITION NO. 67 OF 2024

Gurdip Singh Joginder Singh Bhatti ...Petitioner

Versus

Bhairavi Co-Operative Housing Society Ltd. ...Respondent

**Mr. Manan Bindora, i/b M/s. Markand Gandhi & Co., for the
Petitioner in ARBP/58/2024.**

Mr. Abhishek R. Tembe, for Petitioner ARBP/67/2024.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : MARCH 21, 2025

PC :

1. It is appropriate to call for a specific affidavit stating the factual position from Respondent No.1-Society, namely, Bhairavi Co-Operative Housing Society Ltd. The Minutes of Meeting of a Special General Body Meeting held on August 18, 2024 have been tendered by

Learned Counsel for the parties who appeared today, and the same is taken on record. It is seen from the said Minutes of Meeting that as long ago as August 2024, while acknowledging that the four flats are due to be given to MDH Developers would be given out of the seven floor built, the status of what precisely has been done is not available on record.

2. Learned Counsel for the Petitioners in Arbitration Petition No. 58 of 2024 and Arbitration Petition No. 67 of 2022 are purchasers of two out of such four flats to which MDH development is entitled. Learned Counsel for these Petitioners submit that today is the first time they came to know about these Minutes of Meeting.

3. In these circumstances, it is necessary to call for affidavit from the Respondent No.1-Society, which shall be filed no later than March 28, 2025. List on the ***Supplementary Board*** on ***April 1, 2025***.

4. Learned Counsel for the parties are directed to intimate the Respondent No.1-Society and its current office bearers about the passing of this order without waiting for a copy to be uploaded on the website and also follow it up with the copy of the order as and when it is uploaded on the website.

5. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]