

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION PETITION NO. 71 OF 2025**

M/s. Developers ...Petitioner

Versus

Jay Cooperative Housing Society Ltd. & Ors ...Respondents

WITH

COMMERCIAL ARBITRATION PETITION (L) NO. 38699 OF 2024

Vasant Premji Shah HUF ...Petitioner

Versus

Jay Cooperative Housing Society Ltd. & Ors ...Respondents

Mr. Mayur Khandeparkar, a/w Jay Sanklecha, Nikita Mishra, Taniya Dsouza, Arya Gadagkar, for the Petitioner in CARBPL/38699/2024 & for Respondent Nos.4 to 9 in CARBP/71/2025.

Ms. Vaishali Ugale, i/b Komal Punjabi, for Respondent/Defendant No.3 in CARBPL/38699/2024.

Ms. Shreyashi Panda, for Defendant No.11.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE: MARCH 12, 2025

PC :

1. The fundamental objection from Learned Counsel for Respondent Nos.4 to 8 is that his clients are being discriminated against. His contention is that the additional entitlement to

redeveloped property being offered to these Respondents is based on the actual area of their premises while other members of the Society are being given their additional entitlement to area on the basis of their property tax assessment. This contention is stoutly denied on behalf of the Petitioner.

2. The Petitioner seeks liberty to file an affidavit specifically stating the manner in which the entitlements for the other members of the Society is being conducted, so that he can show that there is no such discrimination at all as perceived. Let such affidavit be filed ***no later than March 17, 2025.***

3. Learned Counsel for Respondent Nos.2 and 3 has entered appearance and seeks liberty to file a specific affidavit to demonstrate his primary objection, which is that the Registrar of the Cooperatives has expressly directed that redevelopment must not take place, and that the development agreement covered by this Petition is violative of such direction. Respondent No. 11 too is represented by an Advocate today, and also seeks to file an affidavit. Let such affidavits be filed ***no later than March 17, 2025.***

4. Rejoinder, if any, from the Petitioner shall be filed ***no later than March 20, 2025.*** The Rejoinder shall be a composite one, that deals with all affidavits in reply in single document, with sub-components addressing the contentions filed in the affidavits in reply pursuant to this order.

5. List under the same caption i.e. “***Ad-interim Relief- Section 9***” on ***March 21, 2025***.
6. 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.]