
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMM. ARBITRATION PETITION NO.813 OF 2024

Excel Enterprises Realty LLP

...Petitioner

Versus

Sharmila S. Amin & Ors.

...Respondents

*The Petitioner was represented but appearance on behalf of the
Petitioner has not been received.*

Mr. Yousuf Khan, *for Respondent No.1 to 23 and 25.*

Mr. Rathore Sunil Kumar, *for Respondent No. 24.*

Mr. J.S. Kini, *a/w Aum J Kini, i/b Ms Sapna Krishnappa for
Respondent No. 27.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 21, 2025

PC :

1. Learned Counsel for the Petitioner submits that the Intimation of Disapproval ("**IOD**") had been issued on September 15, 2022 and has lapsed as it was valid for a period of one year. In these circumstances, an application for a fresh IOD is under process and would be obtained within a period of 60 days. Likewise, the sanctioned plan has undergone

certain changes, in particular, in relation to the number of flats per floor being altered. He would submit that none of these changes have any implications on the interest of the dissenting members. He would submit that in any case, all of this would be completed within 60 days and he prays for the usual orders where the individual will of individual members who are not in consonance with the larger collective will of the Society, are prevented from holding up the redevelopment envisaged under the Development Agreement.

2. Taking into account the timelines indicated, it would not be inappropriate to stand over this matter to immediately after reopening post-vacation, on the understanding that the processing of the revalidation of IOD as indicated above will be carried out in the interregnum.

3. Meanwhile, Learned Counsel for the Respondent submits that relevant minutes of meetings for the general meetings have not been shared by the Society with him. Learned Counsel for the Society contradicts the same and submits that everything has been supplied. Be that as it may, the two Advocates on record for the Society as well as the dissenting members shall engage with each other and examine what according to them is the precise status of compliance, and apprise the Court on the next date.

4. Reply filed on behalf of Respondent Nos. 1 to 23 and 25 be accepted by the Registry before the next date. Learned Counsel for Respondent Nos. 1 to 23 and 25 submits that all the parties have been

served with the reply. Liberty to file Vakalatnama.

5. Reply filed by Respondent No. 24 may also be filed with the Registry.

6. With the aforesaid commitment, stand over to ***June 16, 2025*** on the ***Supplementary Board***.

7. 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.]