

Amol

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

**INTERIM APPLICATION NO. 2062 OF 2025
IN
WRIT PETITION NO. 3870 OF 2024**

Pragati Sahkari Grihnirman Sanstha ...Applicants
(Proposed) A proposed Society
(SRA) & Ors

In the matter between

Pragati Sahkari Grihnirman Sanstha ...Petitioners
(Proposed) A proposed Society
(SRA) & Ors

Versus

The State of Maharashtra & Ors ...Respondents

Mr. E. A. Sasi, with Mr Arnav Rane, Mr. Tejas Shinde & Bijoy Chacko, for the Applicant.

Ms. Ashwini Jadhav, for the Respondent.

Mr. Prashant Kamble, AGP, for the Respondent-State.

Mr. Akshay P. Shinde, for Respondent No. 7.

Ms. Pushpa Yadav, i/b, Ms. Komal Punjabi, for Respondent-BMC.

AMOL
PREMNATH
JADHAV

Digitally signed by
AMOL PREMNATH
JADHAV
Date: 2025.12.12
17:10:39 +0530

**CORAM: M.S. Sonak &
Kamal Khata, JJ.**

DATED: 10 DECEMBER 2025

PC:-

1. Heard Mr. Sasi, the learned Counsel for the Applicants.
2. This is an application seeking recall of our order of 7 August 2024. Earlier, a praecipe had been filed seeking the same relief which was dismissed with cost of Rs. 1,000/- by styling the same as the abuse of the process of the Court.
3. However, liberty was given to file a proper application for recall. It is in pursuance of such liberty that the present application has been filed.
4. We have heard the learned Counsel for the parties but we find that no case is made out for recall.
5. Mr. Sasi submits that the Petition was for direction to the 7th Respondent-Maharashtra Housing and Area Development Authority (MHADA) to issue certified Annexure-II. However, this Court has directed the MHADA to issue a certified copy of the Annexure-II. He submits that certified Annexure-II implies undertaking of several steps like scrutiny of documents, determining eligibility of occupants etc. He submitted that this is what the Petitioners wanted from MHADA and not merely a certified copy of Annexure-II.
6. In our order of 23 August 2024 dismissing the praecipe filed on behalf of the Applicants/Petitioners, we had recorded that a clear submission was made before us that the Petitioners only requires a certified copy. Therefore, this relief was not opposed by the learned Counsel appearing on behalf of the Respondents.
7. Considering the above, we are satisfied that no case is made out for recall of our order dated 7 August 2024.

However, even if we assume that there was some communication gap as a result, the proper import of the prayer could not be communicated by the Counsel for the Petitioners to this Court, we can protect the Petitioners' interests by granting the Petitioners liberty to file a fresh Petition to seek certified Annexure-II and other documents that the Petitioners desire. This will, protect the interests of the Petitioners without, for the present, prejudicing the interest of the Respondents.

8. We however clarify that if a fresh Petition is filed pursuant to this liberty, all contentions of all parties are left open.

9. The Interim Application is disposed of in the above terms without any order for costs.

(Kamal Khata, J)

(M.S. Sonak, J)