

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

COMMERCIAL ARBITRATION PETITION (L) NO. 16073 OF 2025

Ritwal Co Operative Housing Society Limited ...Petitioner

Versus

Abdul Latif Aftab Furniturewala & Ors ...Respondents

WITH

COMMERCIAL ARBITRATION PETITION (L) NO. 22880 OF 2025

Icon Developers Ritwal ...Petitioner

Versus

Ritwal Co Operative Housing Society Ltd ...Respondent

Mr. Burjish Doctor, a/w Vivek Khandekar, for the Petitioner in
CARBPL/22880/2025.

Mr. Anoshak Dawar, a/w Siddharth Kakka, for Petitioner in
CARBPL/16073/2025.

Ms. Mansi Jain, for Respondent No.1 in CARBPL/16073/2025.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : SEPTEMBER 19, 2025

ORDER :

1. This is a Petition filed under Section 9 of the Arbitration and Conciliation Act, 1996 ("*the Act*") in connection with the Development Agreement and Supplementary cum Rectification Deed to the Development Agreement dated June 21, 2019 and February 17, 2024.

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signed by
ASHWINI
JANARDAN
VALLAKATI
Date:
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The Petitioner, Ritwal Co-Operative Housing Society Limited is a Society (“***Society***”). In all, there are 12 members of the Society and the objections to vacating the premises primarily relate to the said flat.

2. On January 30, 2025, the Developer obtained the Intimation of Disapproval (“***IOD***”) and on May 5, 2025 issued a letter to Respondent No.1 informing to vacate.

3. Flat No.101 of which Respondent No.1 is a member, is occupied by Respondent No.3 who is said to be a Gratuitous Licensee of Respondent No.1. A Court Commissioner was appointed to visit the premises and examine who is occupying the said premises. A report of the Court Commissioner dated August 11, 2025 is on record which points to the fact that those who were occupying the premises are said to be the servants of Respondent No.3 who have been residing in the flat. It is also apparent that Respondent No.3 does not live in the said premises.

4. In these circumstances, having examined the material on record and having heard the parties, the following order would balance competing interests of the parties, balance equalities and would enable the protection of the best interests of all the parties involved. Each of

the following steps forms part of an integral, interwoven bundle of adjustments to address the ends of justice and the best interests of all parties, without prejudicing them in their respective positions in other litigation, whether underway or potential, among them:-

- A) Flat No.101 (“***Subject Flat***”) shall be vacated, if necessary by use of force, with removal of all belongings kept in the Subject Flat, and handed over to the Developer no later than 12:00 noon on ***October 15, 2025***;
- B) The Learned Court Receiver shall be entitled to take physical possession of the ***Subject Flat*** at any time within a week thereafter, if necessary by force, with protection from the local police and hand over possession of the Subject Flats forthwith to the Developer for redevelopment. The Learned Court Receiver shall also take an inventory of any belongings contained in the Subject Flat and hand over the same for storage by the Society, who shall then call upon the Respondent No.3. to have them collected within a period of one month of receipt of

the belongings from the Learned Court Receiver, failing which such belongings may be disposed of;

C) The local police station shall provide all necessary assistance to the Learned Court Receiver for taking possession as above. The Society's advocates shall serve a copy of this Order on the local police station as also on the office of the Deputy Commissioner of Police in whose jurisdiction the property falls, for information and requisite planning for the forcible possession, should the need arise;

D) The PAAA Documentation shall be executed within a period of three weeks from the upload of this order on the website of this Court. ;

5. The aforesaid framework is a purely meant to be an equitable adjustment in exercise of jurisdiction of this Court under Section 9 of the Act. With the aforesaid directions, this Petition is ***finally disposed of.***

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.]