

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION NO. 1198 OF 2025
IN
COMMERCIAL SUIT NO. 27 OF 2025

Uday Shetty & Ors

...Applicants / Plaintiffs

Versus

Bandra Trishul Premises Co-operative
Society Ltd.& Ors.

... Defendants

Ms Sonal a/w Mr. Rohit Gupta a/w S Nitya Sha, Mr. Kinnar Shah, Ms Aditi Bhargava and Ms Shikha Jain i/b Divya Shah Associates for Plaintiffs.

Mr. Naushad Engineer, Senior Advocate a/w Mr. Aman Anand a/w Mr. Yogenshra Singh, Mr. Abhinandan Waghmare i/b Verdicate Advocates for Defendant No.1.

Mr. Mayur Khandeparkar and Ms Ishani Khanwilkar a/w Mr. Sunil Tilokchandani i/b M/s Manilal Kher Ambalal & Co. for Defendant No.2.

Mr. Ankit Lohia and Ms Pooja Batra a/w Ms Anushree Udani & Ms Bhairavi Shah i/b Wadia Ghandy & Co. for Defendant Nos.8 & 9.

CORAM : ARIF S. DOCTOR, J.

DATED : 21st APRIL 2025

P.C. :

1 Ms Sonal, Learned Counsel appearing for the applicants today pressed for ad-interim reliefs seeking to restrain Defendant No.1 (society) from taking further steps or acting upon the appointment letter dated 29th October 2024 by which defendant nos.8 and 9 have been appointed as developers to carry out the proposed redevelopment of the society. The grievance of Ms Sonal is that the

society is taking steps to the exclusion of the applicants and not keeping the applicants in the loop qua the redevelopment.

2 the application for is opposed by Mr. Engineer who points out that first the resolution appointing defendant nos.8 and 9 as developers is dated 16th October 2024 and that the applicant have not even challenge the same. He submits that the said resolution was passed by a majority of the members of the society and, therefore, the question of today granting ad-interim relief at the instance of the minority members does not arise.

3 Mr. Lohia fairly points out that while some proceedings have been initiated by the applicant, the same do not pertain to any challenge of the said resolution.

4 Given the fact that the resolution is dated 16th October 2024 and the fact that there is no challenge to the same, I find no case for ad-interim has been made. Furthermore, even the letter of appointment is dated 29th October 2024. There is no development agreement even entered into thus far. Hence, in my view, no case for ad-interim relief has been made out. Let the reply be filed and copy served within a period of two weeks from today. Rejoinder, if any, to be filed and copy served within a period of one week thereafter.

5 At this stage, Mr. Engineer, Learned Senior Counsel submits that even the contention of the applicants that they are being kept out from the redevelopment process is unfounded. He submits that if the applicants seek any information regarding redevelopment of the society premises, the same shall be furnished to the applicants. Given this in order to obviate any misunderstanding/miscommunication, in the event the applicants need any information, they may

addressed a letter to defendant no.1, who shall then furnish to the applicants such information that they require in so far as the same pertains to the society.

(ARIF S. DOCTOR, J.)