

05.03.2026
M/L No.6 with 7
Court No.12
(gc)

**MAT 1407 of 2025
CAN 1 of 2025
CAN 2 of 2025**

**Green Field City Project LLP
Vs.
Dipak Kumar Guha & Ors.**

With

MAT 1408 of 2025

**Green Field City Project LLP
Vs.
Somnath Narayan & Ors.**

Mr. Siddhartha Banerjee,
Mr. Rahul Karmakar,
Mr. Abhisek Baran Das

.....for the Appellant.

Mr. Saptarshi Roy,
Ms. Kakali Das Chakraborty

...for the Respondents/Writ Petitioners.

Mr. Tapan Kr. Mukherjee, Sr. Adv.,
Ms. Tuli Sinha

...for the State Respondents.

1. Both the appeals arise out of a judgment and order dated August 22, 2025 passed by a learned Single Judge disposing of two writ petitions, namely, WPA No.14265 of 2023 and WPA No.8125 of 2022.
2. The writ petitioners and the respondents No. 4 to 9 before His Lordship were owners of different flats in the housing complex, named and styled as “Greenfield City”. The said complex had three categories of towers, namely, LIG, MIG and HIG. The writ petitioners, who are respondents in the appeal, alleged that those

petitioners along with the majority members of the HIG segment of the said housing complex, were preparing to file a declaration of registration of the towers allocated for the HIG section under the West Bengal Apartment Ownership Act, 1972 (hereinafter referred to as “the 1972 Act”). The respondents Nos. 4 to 9 in the writ petition who comprised a miniscule section of flat owners of different segments, without proper notice to the petitioners or to other majority owners, filed a declaration in Form-A under the 1972 Act. Such Form was accepted by the Competent Authority (CA). Upon the petitioners learning about the same, they made a representation. An order was passed by the CA on March 9, 2023, rejecting the contentions of the petitioners. Aggrieved by the said order, the writ petitioners filed WPA No.19702 of 2022. The said writ petition was disposed of and the matter was remanded to the CA, directing fresh adjudication with reasons. Again an order was passed on August 3, 2022 and the CA reiterated its stand. The said order was under challenge in the writ petition.

3. The writ petitioners challenged the acceptance of the declaration filed by the respondents No. 4 to 9 of the writ petition including the appellant, under Form-A on April 12, 2022. It was alleged that the acceptance of the Form-A merged with the order dated March 9, 2023. As

such, the writ petitioners challenged the decision of the CA to accept the declaration. The writ petitioners pointed out various defects in the filing of the said Form-A on the ground of non-compliance of various provisions of the statute. His Lordship, upon elaborate discussions of the provisions of the statute and the non-compliances, was of the view that the acceptance of the Form-A was a stark contravention of the law. The writ petitions were allowed, thereby, setting aside the acceptance of the declaration submitted by the respondents No. 4 to 9 of the writ petition in Form-A on April 12, 2022. The respondent No. 4 in the writ petition preferred the respective appeals, being aggrieved by the order passed by the learned Single Judge.

4. Mr. Siddhartha Banerjee, learned Advocate for the appellant submits that a suggested order was signed by the Advocate-on-record for the respective parties and the parties were allowed to file their Form-A before the CA. Such Form A must be filed jointly. For the interregnum, an interim arrangement was made by the Division Bench indicating how the affairs of the said complex would be managed in the absence of a properly formed association under the law. Paragraph 5 of the order passed by our predecessor Bench dated

September 10, 2025 is quoted below for ready reference:-

- “5. We, therefore, proceed to issue directions pending disposal of the appeals on the basis of the terms contained in such document.
- (i) Since there are number of flat owners and since all of them are not parties to the instant proceeding, it would be appropriate to direct the writ petitioners to advertise a gist of the pendency of the appeals in two newspapers, one in English and one in Bengali vernacular in compliance of principles of Order 1 Rule 8 of the Code of Civil Procedure;
 - (ii) The newspapers are Telegraph and Anandabazar Patrika;
 - (iii) Parties are at liberty to file Form-A with the competent authority as expeditiously as possible;
 - (iv) Pending adjudication of the Form-A that the parties will proceed with the competent authority, it would be appropriate to put in place another measure for the purpose of management of the Housing Complex. We, therefore, proceed to put in place an interim management. We clarify that this interim management will not create any equity or right, title and interest in favour of any of the parties;

- (v) *As an interim management, we direct constitution of an ad hoc committee consisting of seven members. The composition of seven members ad hoc committee will be 4 will be nominated by the writ petitioners and three nominated by the appellants;*
- (vi) *The ad hoc committee will be responsible for the management and the affairs of the residential complex including the common area facilities till the new association is formed and registered in compliance of the provisions of the West Bengal Apartment Ownership Act, 1972 and Rules and Byelaws therein or until further orders of this Court;*
- (vii) *Parties suggested the personnel to constitute the seven members ad hoc committee, in the written suggested order submitted in Court. For the present moment, the seven members ad hoc committee be constituted by the persons named in paragraph (ii) of the pages 4 and 5 of the suggested order;*
- (viii) *The suggested order also identifies the persons who will be the signatories to the bank account. Such personnel are named in paragraph (iii) of page 5 of the suggested order. The personnel named therein will operate the bank account of the ad hoc committee;*

- (ix) *The competent authority will consider and dispose of Form-A received by it preferably within a month from the date of receipt of the filing of such Form-A;*
- (x) *The persons named in paragraph (v) of Page 5 of the suggested order will act in terms thereof;*
- (xi) *The flat owners will pay the maintenance charges as existing immediately before October 1, 2024 to the ad hoc committee;*
- (xii) *The ad hoc committee may decide to revise the rate of maintenance. However, the ad hoc committee will not demand the new rate without seeking prior leave of the Court;*
- (xiii) *In order to give effect to this order, the bank authorities at which, the bank account of the association is maintained will act in terms of this order for the purpose of allowing the operation of the bank account;*
- (xiv) *Ad hoc committee will issue receipts with regard to all payments received by it. Ad hoc committee will maintain accounts of all transactions undertaken by it. Ad hoc committee will prepare a statement of account on the date of its taking of charge; and*
- (xv) *The publication as directed be effected within two weeks from date.”*

5. It appears that seven members of ad-hoc committee took charge and started to function. Three of the members resigned. Admittedly, the committee is now being run by four members, nominated by the writ petitioners/respondents in the appeal.
6. Mr. Banerjee submits that the appeals from the judgment and order of the learned Single Bench have been narrowed down to the suggested order and the directions passed by the earlier Bench. The earlier Bench also permitted filing of Form-A and the Competent Authority was directed to decide the same in accordance with law within a month from receipt thereof. Admittedly, the parties have not filed the Form-A.
7. The learned Single Judge recorded that due to non-compliance of the law, the order of acceptance of the Form-A filed by the respondents No.4 to 9 in the writ petitions was illegal and that the consequences arising therefrom would follow. The order of the CA was set aside on the ground of non-compliance with the statute. The order records the various irregularities in the submission of the Form A, in the first place. We do not see any reason to interfere with the order of the learned single Judge in view of the suggested order passed by the parties. However, the learned Single Judge did not make any arrangement as to how the affairs of the

complex could be managed until a further Form-A was submitted by the parties and association/associations was/were formed. The law provides that a majority of the flat owners can submit the Form A, for formation of association. The earlier Bench, already permitted filing of such Form A and made an interim arrangement. The suggested order filed by the parties was taken note of and directions were passed.

8. Under such circumstances, we are of the view that the appeals have now become academic at this stage and unless Form-A is submitted and a decision is taken on such Form-A by the Competent Authority, nothing further remains to be decided.
9. The appeals and the connected applications are, accordingly, disposed of.
10. If any Form-A is submitted before the Competent Authority, the Competent Authority will act and proceed in accordance with law allow, the parties to make their submissions and take a decision with reasons. The arrangement that had been made by their Lordships will continue till the decision of the CA. The CA will proceed on the provisions of the relevant statute.
11. Despite resignation of the three members of the committee, the ad-hoc committee is continuing to function. The ad-hoc committee with its present

composition will continue to function till the decision is taken by the Competent Authority.

12. There shall be no order as to costs.

13. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)

(Uday Kumar, J.)