



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5121 OF 2026

Aishwaryam Courtyard Phase-1
Co-operative Housing Society Ltd.

....Petitioner

V/S

M/s. Sai Essen Properties & Ors.

....Respondents

Mr. Prashant Darandale *for the Petitioner-Society.*

Mr. Prabhakar M. Jadhav *for Respondent No.1.*

Mr. Shekhar V. Mane *for Respondent Nos.2, 3, 5 and 6.*

Mr. A.A. Alaspurkar, AGP *for Respondent No.7 and 8/State.*

CORAM : SANDEEP V. MARNE, J.

DATE : 17 JUNE 2026.

P.C.:

1. One of the grounds on which the impugned order of the Competent Authority dated 28 November 2025 is challenged by the Petitioner-Society is inordinate delay in passing of order after closing the proceedings. It is contended that the arguments were heard on 24 October 2024 and the proceedings were closed for orders. However, the final order is passed almost a year later on 28 November 2025.

2. Another grievance of the Petitioner-Society is that the Respondent-Developer has produced certain additional documents before the Competent Authority, particularly the sanctioned plan after the proceedings were closed for orders on 24 October 2024. The Petitioner-Society contends that production of such additional material

has resulted in conveyance of lesser area than Petitioner-Society's entitlement.

3. Mr. Jadhav, the learned counsel appearing for Respondent No.1-Developer though does not admit the allegations of production of additional documents, fairly concedes to the position that the proceedings can be remanded for being adjudicated afresh, particularly on account of delay in passing the order.

4. Mr. Darandale, the learned counsel appearing for the Petitioner-Society submits that the Petitioner is desirous of amending Application No.210 of 2023 so as to claim additional area than the one originally claimed. Since the proceedings are being remanded for fresh adjudication, I do not see any difficulty why the Petitioner-Society cannot be permitted to file an application for amendment.

5. Accordingly, with the consent of the parties, following order is passed:

i) Order of the Competent Authority dated 28 November 2025 passed in Application No.210 of 2023 is set aside. Application No.210 of 2023 is restored on the file of the Competent Authority to be decided afresh after grant of the opportunity of hearing to the rival parties.

ii) Petitioner-Society would be at liberty to file Application for amendment of Application No.210 of 2023.

iii) Parties shall appear before the Competent Authority on 1 July 2026 and seeks further directions for fixation of dates of hearing.

6. All rights and contentions of parties are expressly kept open to be agitated before the Competent Authority.

7. With the above directions, the Writ Petition is partly **allowed and disposed of**.

(SANDEEP V. MARNE, J.)