

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 358 OF 2026
WITH
COURT RECEIVER REPORT NO. 9 OF 2026
WITH
INTERIM APPLICATION NO. 2836 OF 2026
IN
APPEAL FROM ORDER NO. 358 OF 2026

Mozam Ali Mir

Appellant / Orig.
.. Plaintiff

Versus

The Mumbai Municipal Corporation and Ors.

.. Respondents

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- Mr. Anil Sakhare, Senior Advocate a/w. Ms. Aruna Sarla, Advocates i/by M/s. Divya Vijay Parab for Appellant.
 - Mr. Sachin Vajale, Advocate for Respondent Nos.1, 2 and 3 – BMC.
 - Ms. Samiksha P. Rajput, Advocate i/by M/s. Lexicon Law Partners for Respondent No.5.
 - Mrs. Nandini Deshpande, 1st Assistant to Court Receiver present.
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CORAM : MILIND N. JADHAV, J.

DATE : MAY 07, 2026.

P.C.:

1. Heard Mr. Sakhare, learned Senior Advocate for Appellant; Mr. Vajale, learned Advocate for Respondent Nos.1, 2 and 3 – BMC and Ms. Rajput, learned Advocate for Respondent No.5.

2. There is an inadvertant mistake, rather typographical mistake in paragraph No.4 of the order dated 04.05.2026. In line No.3 of paragraph No.4, the words '**number of flats**' will stands deleted and substituted by the following words '**the number of the flat**'.

3. Necessary correction be carried out in the original order dated 04.05.2026 and corrected order be uploaded for the benefit of the parties.

4. When this matter is mentioned before me, liberty is also taken by Appellant to place before the Court his grievance with regard to non-receipt of the benefit. The benefit according to Appellant is calculated by him on the basis of the same benefit having been accorded to other similarly placed members / occupants in the redevelopment.

5. Mr. Sakhare, learned Senior Advocate has persuaded the Court to impress upon the Respondents, rather the Developer to accord and give the same benefits to Appellant without delay. Learned Advocate appearing for the Developer apprises the Court that draft PAAA will be given to the Appellant by tomorrow.

6. That apart, with regard to the payments which are required to be made for the benefits, the same will also be given to the Appellant after computation of the same. However, in order to ease the work of the Developer regarding computation, a comparative chart has been prepared by Appellant and placed before the Court, *inter alia*, pertaining to the benefits to which the Appellant is entitled.

7. The said computation chart is taken on record and marked 'X' for identification. For the sake of reference and convenience, the

said computation chart is scanned and reproduced below:-

① Sir Adn Woodborne "X" Mr Adnan 7/5/2026

COMPARATIVE CHART

Occupant Member /	Existing Unit No.	Existing Area (Sq. Ft)	New Unit Allotted	New Total Area (Sq. Ft)	Increase Percentage	Execution Date
Mrs. Madeeha Faiz Khan	Flat No. 502 (5 th Floor)	486 Carpet	Flat No. 602 (6 th Floor)	776 Carpet MOFA	60%	January 30, 2026
Mr. Mohammed Asif Qureshi	Flat No. 603 (6 th Floor)	486 Carpet	Flat No. 702 (7 th Floor)	776 Carpet MOFA	60%	January 30, 2026
Mr. Mohammed Yasin Cheepa	Flat No. 303 (3 rd Floor)	486 Carpet	Flat No. 502 (5 th Floor)	776 Carpet MOFA	60%	April 02, 2026
Fatima Munir Hassan Dalvi	Flat No. 701 (7 th Floor)	669 + 170 Terrace	Flat No. 901 (9 th Floor)	1074 Carpet MOFA	35% (Carpet Area) + 50% (Terrace i.e. 170 sq. ft. out of 340 sq. ft.)	July 17, 2025

COMPARATIVE CHART OF PETITIONER
Additional area offered by the Developer to the Petitioner:

Occupant / Member	Existing Unit No.	Existing Flat Area (Sq. Ft)	Existing Terrace Area (Sq. Ft)	New Unit Allotted	New Flat Area (Sq. Ft) @35% (additional)	Terrace area 35% (additional)
Mozam Ali Mir	Flat No. 601 (6 th Floor)	669 sq. ft.	598.3 sq. ft.	N.A.	234.15	209.4

Category	Calculation Breakdown
Total New Flat area @ 35%	669 (existing) + 234.15 (35%) = 903.15 sq. ft.
Total Terrace area @ 35%	209 sq. ft. (35% of existing terrace area i.e. 598.3)

Petitioner's Claim:

Category	Calculation Breakdown
Total New Flat Area @ 60%	669 (existing) + 401.4 (60%) = 1070.4 sq. ft. (60% additional area like Flat No. 303, 502 & 603 given by the developer)
Total Terrace area @ 50%	299 sq. ft. out of 598.3 (50% of existing terrace area given by the developer to the Flat No. 701)

Difference / Shortfall:

Category	Calculation Breakdown
Difference in Flat Area	1070.4 (Claim) - 903.15 (Offer) = 167.25 sq. ft.
Difference in Terrace Area	299 (Claim) - 209 (Offer) = 90 sq. ft.

- The Developer is offering the petitioner a total of 903.15 sq. ft. (@35%) + 209 sq. ft. (35%) terrace area. Total **1112.15 sq. ft.**
- The petitioner is demanding a total of 1070.4 sq. ft. (@60%) + 299 sq. ft. (50% terrace area). Total **1369.4 sq. ft.**
- The difference in area (Shortfall) is 167.25 sq. ft. (Flat) + 90 sq. ft. (Terrace). Total Shortfall is **257.25 sq. ft.**

8. The Developer shall ensure that the computation which has been given by Appellant will be looked into by the Developer and within a period of one week from today, Developer will confirm the same. If there is any discrepancy in the computation, the same will also be apprised to the Appellant within one week alongwith reasons.

9. Liberty to apply to both parties in case of any difficulty. If the computation which is given by the Appellant is correct, then Developer is directed to give necessary benefits, rent, transit accommodation charges, etc. to the Appellant as expeditiously as possible.

10. Considering the request made by the Advocate for Developer no time is fixed, but the benefit should be given within a reasonable period of time, lest if it is not given, Appellant shall have the liberty to move the Court.

11. Praecipe 06.05.2026 is disposed and allowed in the above terms.

[MILIND N. JADHAV, J.]

Ajay

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by AJAY
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