

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 104 OF 2024

In

WRIT PETITION No. 3113 OF 2015

CHANDRAKANT EKNATH CHAVAN & Anr. ...Petitioners

VS

THE STATE OF MAHARASHTRA & Ors. ...Respondents

Mr. Asadullah Shaikh with Aatif Pathan, for Petitioners.

Mr. Jaymala Ostwal, AGP for the State.

Mr. P. G. Lad with Sayali Apte, for Respondent-MHADA.

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CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 9th FEBRUARY 2026

P.C.

1. This contempt petition is filed alleging that the order dated 16 November 2022 passed by the Co-ordinate Bench of this Court has not been complied with and more particularly, in regard to the directions in paragraph 38, 42 and 43 of the said order. The said part of the order in question reads thus:

“38. Mr. Kapadia says that an amount of Rs.14,17,000/- as transit rent from July 2019 to December 2020 is deposited in Court. This is transit rent in respect of the eligible tenants, who are the Petitioners in Writ Petition No.3113 of 2015. There is no dispute as to transit rent with the other Writ Petitioners, i.e., the Fitwalls and others totalling 13 in all seeking relief before us under this judgment. Subject to the following directions, Mr.Kapadia is agreeable to the amount of deposit being withdrawn pro-rata in accordance with the entitlement of each eligible Petitioner.

.....

42. It is made clear that an order of the Court or such an agreement with an undertaking is required before any of the claimants to rooms 1, 7, 12 and 16 makes any application to this court for withdrawal of the deposit of transit rent or makes any claim for future transit rent from January 2021 onwards. For these four rooms, within the period of 12 weeks indicated above, Isa Enterprises is to deposit the pro-rata transit rent also in this Court. That amount will remain invested initially for a period of three months. Similarly,

possession of the redeveloped tenements in lieu of old rooms 1, 7, 12 and 16 can only be delivered to such persons who have an appropriate order of a court of competent jurisdiction or who are parties to a binding agreement duly approved by MHADA.

43. All agree that Isa Enterprises will deposit the amount in accordance to the order dated 4th September 2013 in Writ Petition (L) No.1073 of 2013. If there is any claim for enhancement, parties are at liberty to adopt appropriate proceeding in that regard.”

2. On 22 January 2026 when the proceedings were listed before the Court, we passed the following order:

“1. We are informed that an application has been made by the concerned tenant i.e. Petitioner no.2 to the MHADA, which is required to be decided by the Competent Authority of MHADA as per directions of this Court contained in paragraph 41, which reads thus :

"41. Four premises, ie. Room Nos.1, 7, 12 and 16 which are the subject matter of Writ Petition No.3113 of 2015 require separate provisions because the original tenants of these four rooms have passed away and there are claims made by persons who say they are the heirs of the original tenants. Neither Isa Enterprises or MHADA can possibly adjudicate a question of heirship of a tenancy. These persons claiming to be heirs of original tenants must therefore either obtain an order of court of competent jurisdiction or must submit to MHADA and to Isa Enterprises appropriate binding documentation recording their agreement inter se that they are the only heirs of the deceased tenants and Isa Enterprises from all claims by any other persons. In the first of the premises in question and must fully indemnify the MHADA for scrutiny and verification by its Legal instance, if there is such documentation it is to be submitted to Department/Counsel. Once that is approved by MHADA, Isa Enterprises will accept it and will act upon it."

2 As to why such application was pending also needs to be informed to the Court on the adjourned date.

3 In the mean time, the Petitioner no.2 shall at the first instance approach the Competent Authority of MHADA with all documents along with a copy of the application tomorrow at 3.00p.m.

4 The Competent Authority thereafter shall hear Petitioner no.2 on a convenient day and take an appropriate decision on such application on or before the adjourned date. All contentions of the parties are expressly kept open. Such decision be placed on record on the adjourned date.

5 Stand over to 9th February 2026. High on board.”

3. It needs to be stated that even prior to the aforesaid order, i.e. in the order dated 8 January 2026, we had recorded that during the pendency of the petition, the petitioner NO.1 had expired and accordingly we permitted the applicant to bring on record Mr. Chandrakant Eknath Chavan - legal representative of petitioner no.1. Insofar as petitioner No.1 - Chandrakant Eknath Chavan is concerned, by an order dated 10 November 2025 passed during the pendency of this petition by the Chief Officer, M.B.R.&R. Board, Mumbai, Mr. Chandrakant Eknath Chavan is held to be eligible and accordingly, he is entitled to become the beneficiary. Similar position is now required to be taken in respect of Safiya Khatoon Mohammed Husain Inamdar, inasmuch as by an order dated 4 February 2026, a copy of which is placed on record, she was also held to be eligible. Thus, both the petitioners are held to be eligible for receipt of transit rent, the amount of which is deposited in the Court and as observed by the Division Bench in the order of which contempt is alleged. Also the Chief Officer has addressed a communication dated 5 February 2026 to the developer-respondent No.5 that insofar as any outstanding transit rent is concerned, the same would be required to be complied. The said communication is required to be noted which reads thus:

“No.R/NOC/F-1465/984/MBRRB-2026
Date: 05 Feb 2026

To,
M/s. ISA Enterprises,
21/30 Royal Palace, Shaikh Hafizuddin Marg.
Sankli Street, Byculla, Mumbai-400 008

Sub: Redevelopment of property at C.S.No.854 & 855 of Lower Parel, Ward Nos.GS-2509(5)&(6), Building Nos. 16 & 18, Fitwala Road, Elphinstone, Mumbai-400 013.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO 104 of 2024

IN
WRIT PETITION No.3113 OF 2015

Ref.:

1. NOC granted this office letter No. R/NOC/F-1465/5260/MBRRB-06 dated 22.09.2006.
2. Revised NOC granted this office letter No. R/NOC/F-1465/ 2917/ MBRRB-09 dated 08.07.2009
3. Hon'ble High court order in Writ Petition no 3113/2015 dated 16.11.2022.
4. Hon'ble High Court Order in Contempt Petition No 104/2024 in Writ Petition No 3113/2015 dated 22.01.2026.
5. Hearing held in the chamber Chief Officer / MBRRB on 23.01.2026.
6. This office letter no 933 dated 04.02.2026.

This office vide letters dated 22.09.2006 & 08.07.2009 under reference No.1 to 2 above has granted NOCs' for redevelopment of subjected property as per the provisions of Modified DCR 33(7) dated 25th January 1999 to M/s. ISA Enterprises.

This office vide letter no 933 dated 04.02.2025 has accepted Smt. Sufiya Khatoon Mohammed Husain Inamdar as an occupant for room no 12, 1 floor building no 18 in lieu of her deceased husband Shri. Mohammed Husain Fakir Mohamed Inamdar as directed by Hon'ble High Court and documentary evidences submitted by her.(copy of same is attached herewith)

Pursuant to the Hon'ble High Court Order in Contempt Petition No 104/2024 in Writ Petition No 3113/2015 dated 22.01.2026 para no 42 is reads as follows:

42. It is made clear that an order of court or such an agreement with an undertaking is required before any of the claimants to rooms 1,7,12 and 16 makes any application to this court for withdrawal of deposit of transit rent or makes any claim for future transit rent from January 2021 onwards. For these 4 rooms, within the period of 12 weeks indicated above Isa Enterprises is to deposit the pro-rata transit rent also in this court. That amount will remain invested initially for a period of three months. Similarly, Possession of the redeveloped tenements in lieu of old rooms 1,7,12, and 16 can only be delivered to such persons who have an appropriate order of court of competent jurisdiction or who are parties to a binding agreement duly approved by MHADA.

As per Hon'ble High Court Order in Contempt Petition No 104/2024 in Writ Petition No 3113/2015 dated 22.01.2026 and Hon'ble High Court Order in Contempt Petition No 104/2024 in Writ Petition No 3113/2015 dated 22.01.2026 you are directed:

1. To pay total outstanding transit rent to Smt. Sufiya Khatoon Mohammed Husain Inamdar.
2. To execute the Permanent Alternate Accommodation Agreement with Smt. Sufiya Khatoon Mohammed Husain Inamdar and hand over possession of the rehab tenement to her against the certified room no 12, 1st floor, building no 18 immediately.
3. To submit the copy of possession receipt to this office duly signed by Smt. Sufiya Khatoon Mohammed Husain Inamdar.

In this connection, failure to comply with these directions within 15 days will render you liable for appropriate action as per the provisions of MHAD Act 1976.

(Milind Shambharkar)
Chief Officer,
M.B.R.&R.Board,Mumbai”

4. Thus, it will be now an obligation of respondent No.5 to comply with the orders which are passed by the Chief Officer and in the event the same are not complied, the Chief Officer would be bound to take appropriate action in accordance with law.

5. Insofar as deposit of amount in this Court is concerned, as now the eligibility of both these petitioners is established in view of the orders dated 10 November 2025 and 4 February 2026 respectively passed by the Chief Officer, they would be entitled to proportionately withdraw the amounts which are deposited in this Court. We permit the petitioners accordingly to make the applications for withdrawal of such amount. If such applications are made, the amounts shall be disbursed to the petitioners within two weeks from the date of the application, in accordance with rules.

6. In this view of the matter, the contempt petition would not require further adjudication, in view of compliance of the orders passed by this Court. Accordingly, the contempt petition stands disposed of.

7. However, the contentions of the petitioners in regard to future rent, would be purely within the jurisdiction of the Chief Officer as contained in the communication dated 5 February 2026 as noted by us hereinabove.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)