

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**CONTEMPT PETITION NO. 49 OF 2025
IN
INTERIM APPLICATION NO. 1239 OF 2021**

Jaavi Infra Pvt. Ltd. ...Petitioner

Versus

Mathuradas Welfare Association And 87 Ors. ...Respondents

**WITH
INTERIM APPLICATION (L) NO. 1738 OF 2022
IN
SUIT NO. 407 OF 2022
WITH
COURT RECEIVER REPORT NO. 67 OF 2023
IN
SUIT NO. 407 OF 2022
WITH
CONTEMPT PETITION NO. 10 OF 2025
WITH
INTERIM APPLICATION (L) NO. 19380 OF 2022
IN
SUIT NO. 407 OF 2022
WITH
INTERIM APPLICATION NO. 645 OF 2026
WITH
INTERIM APPLICATION NO. 6866 OF 2025
IN
SUIT NO. 407 OF 2022**

Adv. Simil Purohit a/w *Adv. Anosh Sequeria, Adv. Vikas Kumbhar, Adv. Karan Nichani, for the Petitioners/Plaintiffs.*

Mr. Sunil C. Khandagale i/b *Komal Punjabi, for the Respondent-BMC.*

Mr. Ashish Kamat, Senior Advocate a/w Mr. Vaibhav Chasalwar i/b Mr. Jitendra Jain, for the Respondent No.1 in CP/10/2025.

CORAM : SOMASEKHAR SUNDARESAN, J.
DATE : FEBRUARY 9, 2026

ORDER :

1. Heard Learned Advocate for the parties.
2. The core issues forming part of the present controversy pertain to (i) timely payment of monthly transit rent; (ii) confirmation, identification, and allocation of units in the redeveloped premises; and (iii) the timeline for completion of the project.
3. Having heard the parties at some length, the following directions are issued and the same would be considered further on the next date :-

A) Advocates for the Petitioner shall give a tenant-wise list of NEFT particulars for each of the Petitioners who are alleging contempt in connection with non-payment of transit rent;

B) Such NEFT particulars for each of the tenants would need to be confirmed by the association of tenants in its communication to

the Developer, and shall also form part of an affidavit to be filed in this Court;

C) The remittance to the accounts identified in the NEFT particulars would constitute payment to the respective tenants. Such payments shall be made on the 25th of each month for the succeeding calendar month in advance;

D) Within 48 hours of the remittance, evidence of remittance, along with confirmation that the payment has been made, shall be filed in an affidavit with the Registry of this Court. A copy of the said Affidavit shall be served on the Petitioners;

E) Since the parties have disputes about the contents of a supplementary PAAA, but the core issue is identification of the units in the redeveloped premises to be allocated, the Developer shall identify the specific units currently contemplated to be allocated to the specific tenants who are Petitioners, as set out in the proposed plans for which sanction is said to have been sought two months ago;

F) A specific affidavit shall be filed by a Senior Officer of the Developer, identifying the specific units meant to be allocated to

the specific tenants. Since it is stated by the Learned Senior Advocate for the Developer that there may be a readjustment of these based on any conditions imposed by the Municipal Authority while sanctioning the plans, should there be any change in such allocation, the same shall be identified in a fresh affidavit, as and when the plans are sanctioned;

G) The affidavit shall specifically disclose dates on which the sanction was sought and annex the plans for which sanction has been sought, so that there is full clarity that the allocation being identified is in fact consistent with the plans presented for approval.

H) Finally, as regards the timeline for completion, there is some quarrel about when the 36-month period should start. It is contended by the Developer that the Petitioners have delayed handing over possession, and they have had to come to Court as recently as August 2025 to have the last tenant vacate the premises. The affidavit to be filed by the Developer shall identify the precise date on which full possession had been received by the Developer. In any case, the building having been demolished, this controversy relates to the past and cannot hold up the

identification of a work plan and a specific deadline by which work will be completed as a commitment to the Court;

I) The affidavit to be filed by the Developer shall also identify the specific timeline and annex a specific bar chart showing the work plan that would need to be adhered to;

J) Let such affidavits by both sides be filed no later than February 17, 2026.

4. Affidavit-in-reply to the Interim Application is taken on record.

5. Stand over to ***February 18, 2026.***

6. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]