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

INTERIM APPLICATION (L) NO. 8200 OF 2026
IN
APPEAL NO. 52 OF 2025

Rizvi Estates and Hotels Pvt. Ltd. .. Applicant

In the matter between

Rizvi Estates and Hotels Pvt. Ltd. .. Appellant

Versus

Pooja Abis Rizvi and Ors. .. Respondents

WITH
APPEAL NO. 52 OF 2025
IN
INTERIM APPLICATION (L) NO. 12088 OF 2025

Rizvi Estates and Hotels Pvt. Ltd. .. Appellant

Versus

Pooja Abis Rizvi and Ors. .. Respondents

WITH
APPEAL NO. 51 OF 2025
IN
INTERIM APPLICATION (L) NO. 12088 OF 2025

Akhtar Hasan Rizvi .. Appellant

Versus

Pooja Abis Rizvi and Ors. .. Respondents

Adv. Akash Rebello*, a/w Mahesh Mishra, Nadeem Shama, for the Applicant in IAL/8200/2026.*

Adv. Karl Tamboly*, a/w Hrushi Narvekar, Alya Khan, Riya Thakkar, Devam Singh, i/b Vashi and Vashi, for the Respondents in the IAL/8200/2026.*

Adv. Sham V. Walve*, Amicus Curiae.*

CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.

DATE: MARCH 12, 2026

P. C.

1. The above Interim Application is filed by the original Appellant seeking a clarification of the order dated 9th May 2025 passed by this Court.

2. The first clarification sought is to permit the Applicant to deduct TDS under Section 194A of the Income Tax Act, 1961 (for short "IT Act") on the interest component payable under the order dated 9th May 2025 and deposit the same with the Income Tax Department. The second clarification sought is that the payment of the net amount Rs.46,34,38,868/-, after deduction of TDS, shall constitute full compliance with the said order.

3. It is not in dispute that the total amount payable under the order dated 9th May 2025 [of Rs.48,03,76,520/-] was inclusive of interest. The principal amount was Rs. 31,10,00,000/- and interest was Rs. 16,93,76,520/-

calculated at 12% per annum from 4th February 2021 till payment on a reducing balance basis.

4. Once this is the case, without prejudice to the rights and contentions of the parties, it is clarified that the Appellant shall deduct the TDS under Section 194A of the IT Act on the interest component payable under the order dated 9th May 2025 and deposit the same with the Income Tax department. Immediately on depositing the aforesaid amount, the Appellant shall also issue a TDS certificate to the Respondent to the Interim Application (Pooja Rizvi). The balance amount payable under the order dated 9th May 2025 shall be paid over to the said Respondent (Pooja Rizvi) as per the schedule set out in the order dated 9th May 2025.

5. At this stage, Mr. Rebello requested that the Respondents forthwith hand over copies of all 32 registered agreements of “Rizvi Cedar” as more particularly defined in the order dated 9th May 2025.

6. Mr. Tamboly, the learned Counsel appearing for the Respondents, stated that copies of all 32 registered agreements of “Rizvi Cedar” shall be handed over to the Advocates for the Applicant/Appellant on or before 17th March 2026. The said statement is accepted.

7. It is needless to clarify that once the full payment is made by the Applicant/Appellant to the Respondents as mentioned in the order dated 9th May 2025, read with this order, the Respondents shall fulfil all their obligations under the said order within the time frames stipulated therein.

8. It is also further needless to clarify that whether in fact the Respondents are liable to pay any tax on this amount is not examined by us, and we have not opined one way or the other in that respect. This order should not be construed to mean that the Respondents have admitted that they are liable to pay any tax on the interest component under the order dated 9th May 2025.

9. The above Interim Application is disposed of in the aforesaid terms. No order as to costs.

10. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.] **[B. P. COLABAWALLA, J.]**

Darshan Patil