

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 30 OF 2025

IN

WRIT PETITION NO. 3698 OF 2022

Moosa Haroon Musani

...Petitioner

Versus

Komal Developers Thr.

NOC Holder Chetan P. Joshi & Ors.

...Respondents

Ms. Jyoti Panicker for Petitioner.

Mr .Prashant Kamble, AGP for State.

Mr. Shailendra Kanetkar i/b Rahul Soman a/w Aditya A. Joshi for Respondent No.1.

Ms. Pushpa Yadav for Respondent – BMC.

Mr. P. G. Lad a/w Sayali Apte for Respondent No.4 – MHADA.

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

DATE: 9 FEBRUARY 2026

P.C.

1. We have heard learned counsel for the parties on this Contempt Petition.
2. The contempt alleged is of an order dated 25 June 2024 passed by a Coordinate Bench of this Court, which is required to be noted which reads thus:

“1. Heard learned counsel for the parties.

2. There is a dispute on the payment of rent arrears by the Developer i.e. Respondent Nos.1, 2 and 3 to the Petitioner.

3. The Maharashtra Housing and Area Development Authority ("MHADA") had made an order directing the Developer to pay the arrears of rent to the Petitioner. However, the arrears were not quantified.

4. Therefore, the Petitioner appealed the MHADA's order and by order dated 26th

May 2022 the Appellate Authority directed the Vice President ("VP") and Chief Executive Officer ("CEO") of MHADA to hear the parties in respect of the payment of rent by the Developer to the Petitioner and to pass appropriate order as per the rules and regulations and policy of MHADA. Till date, it appears, this order has not been complied with.

5. The VP and CEO of MHADA is bound to hear the parties and determine precisely if and how much rent is due and payable by the Developer to the Petitioner. The Petitioner and the Developer are therefore directed to appear before the VP and CEO of MHADA on 2nd July 2024 at 11:00 a.m. and file an authenticated copy of this order. The VP and CEO of MHADA is directed to hear the parties on the said date and consider any documents that both the parties may produce. If for some reason, the VP and CEO of MHADA is unable to hear the parties on the said date, he may fix another date within the next fifteen days.

6. The VP and CEO MHADA must pass a speaking order determining the dues if any and communicate such order to the parties by 31st July 2024.

7. If the order directs the Developer to pay any arrears, the Developer must pay such arrears by 9th August 2024 and file compliance report before the VP and CEO of MHADA. The compliance report to be filed in this Court by 14th August 2024.

8. With the above directions, this Writ Petition is disposed of.

9. Though we are disposing of this Writ Petition by issuing the above directions, we place the matter on 14th August 2024 for considering the compliance report."

3. The grievance of the petitioner is in regard to the direction issued by this Court in paragraph No.7 of the aforesaid order.

4. At the outset, we also need to observe that the petitioner had approached this Court by filing Interim Application (L) No.19664 of 2024, in which a Coordinate Bench of this Court passed the following order on 6 January 2025

which reads thus:

- “1) Mr. Lad, learned counsel appearing for Respondent No.4 tendered across the bar copy of Order dated 2nd August 2024 passed by the Vice President and Chief Executive Officer of MHADA, Mumbai.
- 2) Perusal of said Order indicates that, the claim of the Petitioner has been duly adjudicated by the concerned Authority and the transit rent per month as per the Permanent Alternate Accommodation Agreement has been adjudicated.
- 3) In view thereof, Order dated 25th June 2024 is complied with.
- 4) Petition is removed from board.
- 5) In view of disposal of Writ Petition No. 3698 of 2022 by Order dated 25th June 2024, Interim Application (L.) No. 19664 of 2024 pending therein, does not survive and is accordingly disposed off.”

5. Thereafter, the present Contempt Petition came to be filed on 8 October 2025.

6. Today, Mr. Kanetkar, learned counsel for respondent No.1, has submitted that two cheques have been drawn in favour of the petitioner. The first cheque bearing No. “122509” for an amount of Rs.11,00,000/-, and the second cheque bearing No. “122510” for an amount of Rs. 3,55,500/- both of the Union Bank of India. Mr. Kanetkar states that these amounts are of transit rent which had become due and payable as per the order passed by this Court. These cheques are received by the petitioner in Court today. Photocopies thereof are placed on record and marked “X” for identification.

7. Learned advocate for the petitioner, however, submits that the amounts are not adequate as such amounts do not include the appropriate interest. If that be so, as to what would be the quantum of interest, if any as entitled to the petitioners would be required to be determined for the purpose, we permit the petitioner to approach the MHADA by making a representation. If such representation is made, the same be decided by the Designated Officer of the MHADA after obtaining an approval from the VP and CO of the MHADA as

expeditiously as possible and, in any event, within a period of fifteen days from the date of its filing and after hearing all the parties. All contentions in that regard are expressly kept open.

8. In this view of the matter, we are not inclined to take forward the contempt proceedings, as we find that there is no willful disobedience of the orders passed by this Court.

9. The Contempt proceeding are accordingly disposed of.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)