

Ajay

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

**INTERIM APPLICATION NO. 7659 OF 2025
IN
SUIT NO. 364 OF 2025**

Parshwa Padmavati Projects Pvt. Ltd. Applicant
.. (Orig. Plaintiff)

IN THE MATTER BETWEEN

Parshwa Padmavati Projects Pvt. Ltd. .. Plaintiff

Versus

Oshiwara Sahyadri Co-operative Housing Society
Ltd. and Ors. .. Defendants

**WITH
IN-PERSON APPLICATION (L) NO. 35224 OF 2025
IN
INTERIM APPLICATION NO. 7659 OF 2025.**

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- Mr. Prathamesh Kamat a/w. Ms. Sneha Patil, Mr. Nivit Srivastava, Ms. Aditi Sinha, Ms. Isha Vyas and Mr. Bhavya R. Shah, Advocates i/by Maniar Srivastava for Plaintiff.
 - Mr. Nikhil Rajeshirke, Advocate for Defendant No.1.
 - Mr. Sandesh Daptare, Advocate for Defendant Nos.4, 5, 8, 9, 11, 15, 16, 17, 19, 20, 21, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 39, 43, 44, 46, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 59, 60, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 89, 90, 91, 92, 93, 94, 95, 96 and 97.
 - Mr. Rushikesh Kale, Advocate for Defendant No.18.

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**CORAM : MILIND N. JADHAV, J.
DATE : FEBRUARY 04, 2026.**

P.C.:

1. Heard learned Advocates appearing for the respective parties.

2. The order dated 28.01.2026 stands complied with and Affidavit to that effect has been filed by Mr. Rajeshirke.

3. Pursuant to the previous order dated 28.01.2026, it is *prima facie* seen that today when the matter is called out for hearing, out of original 31 dissenting members 14 members have already filed their consents. In that view of the matter, there are 17 dissenting members now. Their names are individually called out in open Court at 01:30 p.m., out of 17 names are called out, 4 members namely concerning Flat Nos.106, 138, 145 and 165 have come forward before this Court and expressed their views.

4. In so far as Flat No.118 is concerned, the name of the member is Arvind K. Oberoi. He is represented by Mr. Kale. He informs the Court he is out of India and returning back on Sunday. Be that as it may, unless and until any cogent evidence of illegality or inaction on the part of the Developer or the Society is pointed out to the Court, this Court makes it clear that the dissent of the member will not be affect the redevelopment. One final opportunity is given to Mr. Oberoi as also the other 12 members who are not present today to voice their grievances to the Court on the next date failing which this Court shall pass appropriate orders in accordance with law.

5. In so far as the proceedings filed by the Developer are concerned, the Society in this case is represented by Mr. Rajeshirke. It

supports the Developer and represents and espouses the cause of majority of the members. There are total 84 members out of which 71 have now already consented. In so far as the other 13 are concerned, they are not present today and hence once final opportunity is still given to them.

6. In so far as members of Flat Nos. 106, 138, 146 and 165 are concerned, I have heard Mr. Dhamapurkar, Mr. Pramod R. Vatkar and Mr. Vijay G. Kanade on his behalf and on behalf of Suchita V. Kanade and Mr. Shailesh Nar. Written note is filed before the Court in their own hand writing. What is seen by the Court is that these members have expressed their anxiousness and apprehension in view of what not only they but what all members of the Society have suffered over the past 15 years. They have informed the Court that the building of the Society is in a dilapidated condition and requires redevelopment, but due to the enormous delay that has occurred in the past, they are extremely apprehensive. Members have explicitly made clear that and they do not wish to delay any redevelopment, but have voiced their grievances to the Court and would submit the Court that they should not be singled out by the Developer or by the Society for expressing their independent stand. There is nothing in different expressed in the letters which have been given to the Court. What is expressed in the said letters is that all possible measures and caution needs to be undertaken by the Society while entering into the Development and

Agreement and implementing the same in the best interest of all members of the Society.

7. It is therefore made clear that even if these members have expressed their independent views, the Society will ensure that the Society and the developer shall treat them at par with all other members and all benefits which are given to all other members are also given to them so that there is no discrimination whatsoever. If at all any discrimination is pointed out by the members at any time, liberty is given to these members to apply to the Court forthwith. They are also ready and willing to sign the consent Affidavit as signed by the other consenting members which shall be done by them within one week.

8. Needless to state that all members who have consented can sign PAAA in accordance with law. In so far as the other dissenting members are concerned, 12 dissenting members are not present in Court. They are concerned with Flat Nos.101, 105, 111, 113, 114, 115, 126, 143, 146, 151, 155 and 168.

9. It is clarified that these dissenting members do not voice their grievances, they will strictly have to fall in line with the other majority members who have consented.

10. The letters given by Mr. Kanade and Mr. Vatkar are taken on record.

11. It is clarified that the interim orders passed required by the Plaintiff for appointment of Court Receiver in respect of the aforesaid dissenting members will be passed on the next date after hearing their grievances, if any.

12. List the matter on Board on **11th February 2026**. To be placed under the caption '**First on Board**'.

13. Copy of this order shall be conveyed to the aforesaid dissenting members by the Secretary of the Society for their information.

[MILIND N. JADHAV, J.]

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Digitally signed by
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Date: 2026.02.06
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