

ITEM NO.5

COURT NO.7

SECTION IX-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) Nos. 25655-25659/2025

[Arising out of impugned final judgment and interim order dated 26.03.2025 in Interim Application (L) No.23569 of 2024 in Writ Petition No.3647 of 2021; (2) common impugned judgment and interim order dated 23.04.2025 in Interim Application (L) No.23569 of 2024 in Writ Petition No.3647 of 2021; (3) common impugned judgment and interim order dated 16.06.2025 in Interim Application (L) No.23569 of 2024 in Writ Petition No.3647 of 2021; (4) common impugned judgment and interim order dated 30.06.2025 in Interim Application (L) No.23569 of 2024 in Writ Petition No.3647 of 2021; and (5) common impugned judgment and interim order dated 28.07.2025 in Interim Application (L) No.23569 of 2024 in Writ Petition No.3647 of 2021 passed by the Hon'ble High Court of Judicature at Bombay]

NARENDRA N. PAGARANI & ORS.

Petitioner(s)

VERSUS

MOHAMED RAFIQUE MOHAMED NAZIR SHAIKH & ORS.

Respondent(s)

IA No. 208119/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 05-12-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) :Mr. K Parameshwar, Sr. Adv.
Mr. Akshay Shinde, Adv.
Mr. Anand Dilip Landge, AOR

Mrs. Sangeeta Nenwani, Adv.
Ms. Revati Pravin Kharde, Adv.
Mr. Shreenivas Patil, Adv.
Mr. Rahul Prakash Pathak, Adv.

For Respondent(s) : Mr. Navin Pahwa, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Ankur Saigal, Adv.
Mr. Mohd. Himayatullah, Adv.
Mr. Anshuman Srivastava, Adv.
Ms. Anushree Kapooria, Adv.
Mr. Aamir Qureshi, Adv.
Mr. E. C. Agrawala, AOR

Mr. Anshul Rai, AOR
Mr. S.k Pandey, Adv.
Mr. Chandrashekhar A. Chakalabbi, Adv.
Mr. Ojas Pathak, Adv.
Ms. Mallika, Adv.

M/S. Karanjawala & Co., AOR
Mr. Harin Raval, Sr. Adv.
Ms. Ruby Singh Ahuja, Adv.
Ms. Shoma Moitra, Adv.
Ms. Akanksha Thapa, Adv.
Mr. Devang Kumar, Adv.

M/S. M. V. Kini & Associates, AOR
Ms. Shivangi Chawla, Adv.
Mr. Tavinder Sidhu, Adv.
Mr. Sumit Gupta, Adv.
Ms. Kamini Sharma, Adv.

Mr. Shrirang B. Varma, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. When this matter(s) was heard for the first time, an impression was given to the Court that the petitioners who had flats in a society by name "Shubh Hari Darshan" have been left

into lurch, by the developer, more particularly, after the entire apartment was demolished and there has been no further progress insofar as redevelopment is concerned.

2. In such circumstances, although the order impugned before us passed by the High Court is a very innocuous one, yet we thought fit to issue notice with a view to and try to understand the dispute between the parties.

3. Mr. Navin Pahwa, the learned senior counsel appeared on behalf of the respondent nos. 1 and 2, respectively.

4. After hearing Mr. Pahwa, the learned senior counsel appearing for the respondent nos. 1 and 2 respectively, it appears that the petitioners and the respondent nos. 1 and 2 are already in an arbitration proceedings before the learned Arbitrator Hon'ble Mr. Justice Akil Kureshi (former Chief Justice of Rajasthan High Court). All disputes between the parties are now a subject matter of arbitration.

5. In such circumstances, referred to above, we do not want to say anything further in the matter.

6. There is one another issue connected with this litigation. This has something to do with a society by name Gautum. Insofar as Gautum Society is concerned, originally the developer got twelve floors sanctioned. Later a revised plan for sixteen floors was placed before the Bombay Municipal Corporation (for short "the BMC") for sanction. According to Mr. Pahwa, the

revised plan has been sanctioned and permission has been granted, whereas on the other hand the learned counsel appearing for the BMC disputed and submitted that the revised plan has not been sanctioned. It is not in dispute that the developer has completed the construction of additional four floors.

7. The Air Port Authority also has a serious problem with additional four floors put up by the developer. We fail to understand how additional four floors could have been put up without any valid permission or revised sanctioned plans. Such developers should be dealt with strictest of the hand.

8. In such circumstances, let the High Court look into the matter at the earliest and do the needful.

9. We need not adjudicate these petitions any further.

10. Since the developer has already constructed additional four floors without getting the revised plan sanctioned and there is a strong objection at the end of the Airport authorities. We request the High Court to take up the main matter at the earliest and after hearing all the parties concerned, decide the same in accordance with the law.

11. In view of the aforesaid, we close these petitions.

12. Pending application(s), if any, shall stand disposed of.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)