HIGH COURT OF JUDICATURE AT BOMBAY
सत्यमेव जयते

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

NOTICE OF MOTION (L) NO 475 OF 2017
IN
COMMERCIAL SUIT (L) NO. 428 OF 2017

RNA Viva Residents Association …Plaintiff/Applicant
vs.
RNA Group Pvt.Ltd. ...Defendant

Mr.Tushar Gujjar I/b. Solicis Lex for Plaintiff.
Mr.Mayur Khandeparkar with Nishesh Kalra I/b. Vidhii Partners for Defendant.
Mr.Anubhav Agarwal, director of Defendnt No.1 present.

CORAM : S.C. GUPTE, J.

3 AUGUST 2017

P.C. :

Heard learned Counsel for the parties.

2 This notice of motion is taken out in a specific performance suit filed by an association of flat purchasers on behalf of 76 flat purchasers, who claim to have made bookings for flats, some even in the year 2010. Out of 76 flat purchasers, four are on allotment basis, whilst in case of others there are registered agreements between the Defendant developer and the flat purchasers /members of the Plaintiff Association executed between 2010 and 2016. The grievance of the Plaintiff is that whereas the flat purchasers were assured of possession in 2016, only skeletal structures of nine wings of the suit building are ready; the project is moving at a snail's pace and is unlikely to be completed any time soon. The Plaintiff, in the premises, seeks interim reliefs of injunction as well as disclosure by the Defendant.

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3 Learned Counsel for the Defendant, after taking instructions of Mr.Anubhav Agarwal, Director the Defendant, states that his client shall not create any third party rights or part with possession in favour of any third party insofar as 76 flats, which are listed in Exhibits B, B-1 and B-2 to the plaint, are concerned. Learned Counsel submits that the Defendant has already registered the project with the authority under Real Estate (Regulation and Development) Act, 2016 ('RERA') and will file a suitable affidavit in the present notice of motion annexing a copy of that application. Learned Counsel submits that this application contains most of the disclosures, which are required by the Plaintiff in the present notice of motion. Learned Counsel states that this affidavit shall be submitted within three weeks from today. Learned Counsel also submits that in pursuance of any requisitions that may be received from the authority, if the Plaintiff is required to make any further compliances or disclosures to have the project registered under RERA, even those disclosures shall be duly communicated in the form of a further affidavit. Learned Counsel submits that as and when these disclosures / compliances are made, within three weeks thereof such affidavit will be filed and served on the Plaintiff. The statements are all accepted. In view of these statements, there is no need to consider any further ad-interim relief on the notice of motion.

4 Reply to the notice of motion, if any, to be filed within four weeks. Rejoinder, if any, within two weeks thereafter. The motion to come up for hearing after six weeks.

(S.C. Gupte, J.)

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