

**NATIONAL COMPANY LAW TRIBUNAL**  
**MUMBAI BENCH, COURT-II**

**16. MA 186/2017 Interlocutory Application/27/2024 In TCP  
18/2014**

**CORAM:**

**SHRI ANIL RAJ CHELLAN  
HON'BLE MEMBER (T)**

**SHRI KULDIP KUMAR KAREER  
HON'BLE MEMBER (J)**

**ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE  
NATIONAL COMPANY LAW TRIBUNAL ON 15.04.2024**

**NAME OF THE PARTIES:- Sahanika Pvt Ltd  
IN THE MATTER OF  
Emgee Homes Pvt. Ltd.  
V/s  
Sahanika Pvt. Ltd.**

**Section: Rule 11 of NCLT 58, 59, 397-398 of Companies Act, 2013**

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**ORDER**

**Interlocutory Application 27 of 2024:-**

1. Sr. Counsel, Chetan Kapadia a/w Gaurav Mehta and Umang Mehta appeared for the Applicant/Respondent and Counsel, Ankita Singhania a/w Ragini Singh, Pooja Pandey and Mihir Rathod appeared for the Respondent/Petitioner. This Application is filed by the Applicant/Respondents seeking modification of the interim order dated 10.03.2014 to enable the Respondent Company to take appropriate steps and submit the redevelopment plan of the property in accordance with the directions issued by the M.B.R. & R. (Mumbai Building Repairs and Reconstructions) Board notice dated 10.07.2023.
2. No reply has been filed by the Respondent/Petitioner.

3. We have heard the Counsel for the parties and have gone through the records.
  
4. It has been pointed out by the Counsel for the Applicant/Respondent that in respect of the property owned by Respondent no. 1 Company, the notice dated 10.07.2023 has been received from Mumbai Building Repairs and Reconstructions Board directing to submit a redevelopment plan of the property within six months of the date of the notice and in the event of failure, the Board will acquire the property and initiate further action as per the provisions of Section 79A of the Maharashtra Housing Area Development Act, 1976. It has also been pointed out that the property in question is presently dilapidated and require immediate redevelopment. If necessary steps are not taken in response to the notice, the Company might suffer a massive loss and the property in question, which contains five hundred residential and 50 commercial units within its premises, would be lost. The Counsel for the Applicant/Respondent has argued that in the light of the status quo order dated 10.03.2014, the Applicant/Respondent could not take steps to comply with or respond to the notice dated 10.07.2023 appropriately.

5. On the other hand, Counsel for the Respondent/Petitioner has argued that the period of notice dated 10.07.2023 is already over and after the lapse of the notice period given to the owners of the building, the next step is to give a chance to the tenants occupying the property to take steps for redevelopment. The relevant notice has already been given to the tenants. Therefore, the Application is a belated one and has already become infructuous by virtue of laps of time. The Counsel for the Respondent/Petitioner has further argued that in case the status quo order is to be modified, the Respondent be directed to involve the Respondent/Petitioner in the decision-making process relating to redevelopment and compliance of the notice dated 10.07.2023.
  
6. Having considered the rival contentions of the Counsel for the parties, we are of the considered view that since the building is undisputedly in dilapidated condition and needs redevelopment and in this regard, a notice has already been issued by the concerned Authority i.e. M.B.R. & R. Even otherwise, it is in overall interest of the parties to the Petition that the process of redevelopment is taken care of as in the event of noncompliance of the notice dated 10.07.2023, the property will be acquired and redeveloped by the M.B.R. & R. and in that event huge loss will be

caused to the Company. In these circumstances, we deem it appropriate to modify the order dated 10.03.2014 to the extent that the order of status quo will not be construed to have been violated if the Respondents take appropriate steps for redevelopment of the property in question in response to the M.B.R. & R. notice dated 10.07.2023 and to that extent the order shall stand modified. The Applicant/Respondent, however, is directed to submit the progress report every three months in respect of the action taken in response to the notice and for redevelopment of property in question and a copy of the report shall also be served upon the Respondent/Petitioner. Accordingly, **Interlocutory Application 27 of 2024** is **allowed** and **disposed of** in the aforesaid terms.

**MA 186 of 2017:-** Counsel, Ankita Singhania a/w Ragini Singh, Pooja Pandey and Mihir Rathod appeared for the Applicant. List this matter on **10.06.2024**.

Sd/-  
**ANIL RAJ CHELLAN**  
**Member (Technical)**  
*ANKIT*

Sd/-  
**KULDIP KUMAR KAREER**  
**Member (Judicial)**