

ITEM NO.37

COURT NO.3

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).11441-11442/2026

[Arising out of impugned final judgment and order dated 29-01-2026 in CA No. 1729/2017 29-01-2026 in WP No. 4051/1996 passed by the High Court of Judicature at Bombay]

PREETI SOMY SARAN & ORS.

Petitioner(s)

VERSUS

SHETH AMICHAND PANNALAL ADISHWAR JAIN TEMPLE
CHARITABLE TRUST

Respondent(s)

(IA No. 93186/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 94344/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 18-05-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :Mr. Sajan Narain, Adv.
Mr. Rajan Narain, AOR

For Respondent(s) :Mr. Sushil Kumar Jain, Sr. Adv.
Mr. Shivaji M. Jadhav, AOR
Ms. Apurva, Adv.
Mr. Aditya Jadhav, Adv.
Mr. Brij Kishor Sah, Adv.
Mr. Vignesh Singh, Adv.
Mr. Siddharth Jain, Adv.

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

1. The present special leave petition is filed by the petitioner being aggrieved by the judgment and order dated 29.1.2026 passed in Writ Petition No. 4051 of 1996 maintaining the order of eviction of the Rent Controlling Authority, directing the ejection of the

tenant. When the matter came up for hearing on 24.04.2026, we have passed the order as under :

"1) After hearing learned counsel for the parties a length, this matter is proposed to be disposed of on a happy note of settlement between the parties. The primary terms are that if the respondent pays Rs.3 crores on deduction of TDS, the petitioner shall vacate the premises on or before 31.07.2026.

2) After deduction of TDS, Demand Draft be brought within two weeks before the Court which shall be kept in Fixed Deposit with the Registry. On producing the documents before the Registrar of vacating the premises on or before 31.07.2026, the amount lying with the Registry be immediately transmitted along with accrued interest, if any. Affidavit along with PAN card, AADHAR card and Account details be filed within two weeks.

3) Subject to the aforesaid payment and handing over of possession of the entire premises, this litigation may be put to quietus by the orders of the Court.

4) List on 11th May, 2026."

2. In furtherance, it was decided that if the respondent pays a sum of Rs.3,00,00,000/- (Rupees three crore only), the tenant shall vacate the premises on or before 31.07. 2026. The amount of Rs.3,00,00,000/- has been deposited in the following manner :

Sr. No.	Demand Draft No.	Amount
1	844188	Rs.99,00,000/-
2.	844189	Rs.99,00,000/-
3.	844190	Rs.47,68,000/-

3. In addition, as per Office Report dated 16.05.2026, a sum of Rs.54,32,000/- was deposited by way of Demand Draft No.844194 making a total amount of Rs.3,00,00,000/-. The amounts deposited was kept in an interest bearing short term fixed deposit in a nationalised bank.

4. It was informed that a sum of Rs.54,32,000/- has further been deposited with the Income Tax Authorities towards TDS, Cess and surcharge. But , since the petitioner was not a non-resident, the income tax is not payable. Therefore, the said amount was required to be refunded to the respondents by the income-tax authorities on taking steps by the respondent.

5. In view of the order passed on 24.04.2026 and in furtherance of the compliance reported, we direct as under :

- (i) The petitioner shall vacate the entire suit premises on or before 31.07.2026 and handing over the keys before the Trial Court concerned to the respondent to which a report be immediately sent to the Registry of this Court.
- (ii) On receiving the report, the amount of Rs.3,00,00,000/- lying with the Registry of this Court shall be transmitted in the account of the petitioner along with accrued. The account details be provided by the petitioner to the Registry to facilitate the transmission of the account.

(iii) The amount of Rs.54,32,000/- deposited as TDS, Cess and Surcharge with the Income-tax Authorities shall be refunded to the respondents subject to verification.

6. In view of the aforesaid, the present special leave petitions stand disposed of. Pending applications, if any, shall also stand disposed of.

(GULSHAN KUMAR ARORA)
DEPUTY REGISTRAR

(NAND KISHOR)
ASSISTANT REGISTRAR