

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

Petition(s) for Special Leave to Appeal (C) No(s).25028-25029/2026

[Arising out of impugned final judgment and orders dated 06-04-2026 in Interim Application No. 36439/2025 in CAA(L) No. 35818/2025 and dated 18-04-2026 in CAA(L) No. 35818/2025 passed by the High Court of Judicature at Bombay]

SUNTECK PRIVATE REALTORS LIMITED

Petitioner(s)

VERSUS

BANDRA SEA BREEZE APARTMENTS CO-OPERATIVE
HOUSING SOCIETY LIMITED

Respondent(s)

(FOR ADMISSION

IA No. 210481/2026 - EXEMPTION FROM FILING O.T.

IA No. 210482/2026 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 19-08-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE ARUN PALLI

For Petitioner(s) :

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Neeraj Kishan Kaul, Sr. Adv.
Mrs. Misha Rohatgi, Adv.
Ms. Jasmine Sheth Kachalia, Adv.
Mr. Pranaya Goyal, Adv.
Mr. Viren Mandhale, Adv.
Mr. Sahil Singh, Adv.
Ms. Ruchi Arya, Adv.
Mr. Omm Mitra, Adv.
Ms. Aditi Goswami, Adv.
Ms. Ira Mahajan, Adv.
Mr. Mayank Gupta, Adv.
Ms. Apoorva Kaushik, AOR

For Respondent(s) :

Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Balbir Singh, Sr. Adv.
Mr. Siddharth Dharmadhikari, Adv.
Ms. Devanshi Singh, Adv.
Mr. Nivit Srivastava, Adv.
Mr. Bharat Bagla, AOR
Ms. Preetika Shukla, Adv.

Mr. C.A.Sundaram, Sr. Adv.
Mr. Neel Mandevia, Adv.

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

1. Heard Mr. Mukul Rohatgi and Mr. Neeraj Kishan Kaul, learned senior counsel appearing for the petitioner, Dr. Abhishek Manu Singh and Mr. Balbir Singh, learned senior counsel appearing for the respondent-Society and Mr. C.A.Sundaram, learned senior counsel appearing for the Developer.
2. At the last hearing on 31st July, 2026, learned senior counsel for the petitioner made a grievance that the Division Bench did not hear them on merits and also foreclosed their right to move for interim relief before the Arbitrator. We had issued notice and passed interim order which was in operation till today.
3. Today, we have heard learned senior counsel for the parties at great length. We have perused the Memorandum of Agreed Terms (MOAT), the crucial correspondence exchanged between the parties, the termination letter of 6th September, 2025 as well as perused minutely the judgments of the learned Single Judge as well as the Division Bench. We are convinced that no case is made out for interference under Article 136 of the Constitution of India.

4. At this stage, learned senior counsel appearing for the petitioner raises a grievance that paragraph 40 of the order of the learned Single Judge as well as the operative part of the order of the Division Bench could be misunderstood to mean that the petitioner is foreclosed from asking for the relief of specific performance as a final relief in arbitration.

5. We clarify that the petitioner will be entitled to seek, as part of their final relief before the Arbitrator, a prayer for specific performance of the MOAT. At the same time, the respondent shall be entitled to raise all objections that are available to it to oppose the relief of specific performance as well as other reliefs which the petitioner may claim.

6. With this clarification, while upholding the orders of the learned Single Judge and the Division Bench, we dispose of the Special leave Petitions.

7. Needless to observe that the Arbitrator will decide the matter on its own merits uninfluenced by the observations made by the Courts below as well as in this order.

8. Pending applications shall also stand disposed of.

(ANITA MALHOTRA)
DEPUTY REGISTRAR

(MANOJ KUMAR)
COURT MASTER