

ITEM NO.37

COURT NO.6

SECTION IX-A

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

Petitions for Special Leave to Appeal (C) Nos.14190-14191/2025

[Arising out of impugned final judgment and order dated 27-01-2025 in MCA No. 16982/2024 & WP No. 16983/2024 passed by the High Court of Judicature at Bombay]

AVANT INFRA OSHIWARA PVT LTD

Petitioner(s)

VERSUS

PCC INFRASTRUCTURE PVT. LTD. AND ANR. ETC.

Respondent(s)

(IA No. 280504/2026 - EXEMPTION FROM FILING O.T., IA No. 201810/2025 - EXEMPTION FROM FILING O.T. & IA No. 114164/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 25-09-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Mr. Harin P. Raval, Sr. Adv.
Mr. Anando Mukherjee, AOR
Mr. Shwetank Singh, Adv.
Mr. Rahul Pandey, Adv.
Mr. Shailendra Singh, Adv.
Mrs. Shreya Bansal, Adv.
Mrs. Urmi H. Raval, Adv.
Mrs. Shrestha Narayan, Adv.
Mr. Siddharth H. Raval, Adv.
Mr. Utkarsh Anand, Adv.

For Respondent(s) :

Mr. Manoj Pahwa, Sr. Adv.
For M/s. Juritrust Law Offices, AOR

Mr. Nigel Quaireshi, Adv.
Mr. Amol Nirmalkumar Suryawanshi, Adv.
Mr. Adith Deshmukh, Adv.
Ms. Damini Vishwakarma, Adv.
Mr. B Dhananjay, Adv.

Mr. Navin Pahwa, Sr. Adv.
Mr. Nirnimesh Dube, Adv.
Mr. Ankur S. Kulkarni, Adv.
Mr. Pratham Mehrotra, Adv.
Mr. Debdeep Banerjee, Adv.

Mr. Abhay Singh Yadav, Adv.
For M/s Lex Regis Law Offices, AOR

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

1. Paras 14 and 15 respectively of the impugned Order passed by the High Court read thus:-

"14. The nature of the suit is of material significance. The instant suits are for specific performance of the contract. The presence of the Petitioner is not at all necessary to adjudicate the controversy that arises in a suit for specific performance of the contract for sale. The Petitioner is not claiming through the Defendant, either. The Petitioner asserts that the Petitioner has the right develop the suit property on the basis of the development agreements purportedly executed by the societies of slum dwellers. The Petitioner has, thus, no direct interest in the subject matter of the suit for specific performance.

15. The Petitioner could, undoubtedly, agitate its rights as a new developer over the suit property in an appropriate proceedings before the appropriate forum. However, the Petitioner cannot seek impleadment in the instant suits on the premise that the acknowledgment of possession, or for that matter the passing of the decree for specific performance, would jeopardise the rights of the Petitioner. In substance, there is neither privity of contract nor identity of the dispute, between the original parties to the suit and the Petitioner."

2. Having heard the learned Senior counsel appearing for the parties and having gone through the materials on record, we are of the view that we should not interfere with the common impugned Orders passed by the High Court.

3. If the petitioner has any independent right to enforce insofar as the property in question is concerned, it shall be open for it to avail appropriate legal remedy before the appropriate forum in accordance with law.

4. All contentions in law are kept open for the parties to raise before the appropriate forum.

5. With the aforesaid, these petitions stand disposed of.

6. Pending applications, if any, shall also stand disposed of.

(VISHAL ANAND)
DEPUTY REGISTRAR

(POOJA SHARMA)
COURT MASTER (NSH)