

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 1479-1480 OF 2016
[@ SPECIAL LEAVE PETITION (C) NOS. 4523-4524 OF 2016]

MAHENDRA BHIMRAO KHARAT AND ORS. Appellant(s)

VERSUS

MAHARASHTRA HOUSING AND AREA DEVELOPMENT
AUTHORITY AND ORS. Respondent(s)

J U D G M E N T

KURIAN, J.

1. Issue notice. Mr. Mohit D. Ram, learned counsel, waives notice on behalf of Respondent No. 4.

2. Leave granted.

3. The appellants have mainly three apprehensions viz. i) with regard to the area that will be allotted to them after the construction; ii) with regard to the Agreement to be executed regarding the allotment before they vacate; and iii) the formation of the Cooperative Society.

4. The learned counsel for the respondents submits that the agreements have already been executed with

the parties and what remains is only the formal registration thereof.

5. We direct the respondents to get the agreements registered within two weeks from today. In case, the agreements have not been executed with any of the parties, we make it clear that within that period, the agreements shall be got executed and registered. We record the statement that the process of execution and registration of the agreements will be facilitated by the appellants for the implementation of the time bound direction as above.

6. On the area to be allotted, the learned counsel for the respondents submits that each of them will be allotted carpet area of not less than 450 sq. ft. The above submission is recorded.

JUDGMENT

7. As far as the third apprehension regarding the formation of the Cooperative Society is concerned, the learned counsel for the respondents submits that there is a provision in the Agreement itself that the Cooperative Society would be formed before the Occupancy Certificate is applied for. We direct the respondents to get the Cooperative Society formed and registered positively within six months from today.

8. We also record the undertaking of the appellants that they will vacate the premises within three weeks from today positively.

9. In view of the above, no further directions in these appeals are required. The appeals are disposed of with no order as to costs.

.....J.

[KURIAN JOSEPH]

.....J.

[ROHINTON FALI NARIMAN]

New Delhi;
February 16, 2016.



JUDGMENT