

BRIHANMUMBAI MAHANARPALIKA

No. MDD/2280

Dated: 08.11.2024.

Office of the**Dy. Municipal Commissioner (Imp.)****Municipal Corporation of Greater Mumbai,****To, Municipal Head Office Extension Bldg., 5th Floor,
Mahapalika Marg, Mumbai-400 001. INDIA.**

1. M/s. Khanna Construction House,
a partnership firm Plot No. 44 of Scheme No. 58
of Worli Estate of Bombay Municipal Corporation
bearing CS No. 903 of Worli Divisional, Mumbai

2. Ghanshyam Saligram Khanna
of Bombay, Indian Inhabitant

Partner of the Khamne Construction House,
and carrying on busines at c/o M/s. G.S.

Khanna & Co., 1st floor, Khanna Construction
44, Abdul Gaffur Khan Road, Worli Sea Face
Bombay 400 018.(Since diseased

2(a) Mrs. Laxmi Rajkiran Grover

B-25 Kaushalya Bhavan, Sophia School Road,
Ballab Nagar, Near Near Post Office, Kota, Rajashta

2(b) Mr. Satish Anantram Sabhlok

B-85, Vidhani Mount View, Plot No. 68, Sector 17,
vashi, Navi Mumbai- 400 703

2(c) Mr. Surinder Anantram Sabhlok

1501, Vivant CHSL, Plot No. 4,
Sector 99, Sanpada , Navi Mumbai- 400 073

3. Nandlal Balkishan

Indian Inhabirant, partner of the Khamne

Flat No.74, Tenorife Building, Little

Gibba Road, Bombay 400 006.

4. Saligram Gurdasmal Khanna

of Mumbai Inhabitant, partner of

Khanna Construction House, carrying

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on business at C/o. G S Khanna & Co.,
Khanna & Co., 1st floor, Khanna Construction
44, Abdul Gaffur Khan Road, Worli Sea Face
Bombay 400 018.

(since deceased)

4 (a) Sohangwanti Saligram Khanna

(Since deceased)

4 (a-1) Ghanshyam Saligram Khanna

4 (a-2) Sushma Joginderpal Malhotra

4 (a-3) Laxmi Rajkiram Grover 4 (a-4) Rekhadevi Nandlal Khanna

4(a-5) Vinod Nandlal Khanna

4(a-6) Pawan Nandlal Khanna

4 (a-7) Inder Jashanmal Khanna

(since deceased)

4 (a-7a) Mrs. Kiran Inder Khanna (Deceased)

4 (a-7b) Mr. Punit Inder Khanna

4 (a-7c) Ms. Sheetal Inder Khanna

4 (a-8) Chander Jashanlal Khanna

4(a-9) Balaram Jashanmal Khanna

(since deceased)

4(a-9a) Mrs. Saoji Balaram Khanna

4(a-9b) Prasannata Vikram Patwardhan

4 (a-10) Harish Jashanmal Khanna

4 (a-11) Mrs. Nirmala Jashanmal Khanna

(since deceased)

4 (a-11a) Mr. Ashrafali Ahmed Petkar

4 (a-11b) Mr. Ahsaan Ashrafali Petkar

of Bombay Indian Inhabitant

Both residing at 02, Kanti Co-op

Housing Society Ltd, Plot No.45

Sector 14, Vashi, Navi

Mumbai 400 703.

(legal heirs and representatives of

Late Ms. Nirmala Khanna alias

nazia Ashraf Petkar

4(a-12) Mrs. Vanita Shamsunder Chandwani

4(a-13) Mrs. Vandana Jairamdas Makhija

4(a-1 to a-13) heirs and legal

Representatives of Sohagwanti

Saligram Khanna the Defendant

No2 (a) (Since deceased)

4(b) Ghanshyam Saligram Khanna

4 (c) Mrs. Swarna A Sablok

(since deceased)

4(c-1) Satish A Sablok

4(c-2) Surendra A Sablok

4 (c-3) Chintu A Sablok

3(c-1), 3(c-2) & 3(c-3)

All of Bombay adults, Indian

Inhabitants carrying on their business

in the name and style of "Kamdhenu"

Group", Sector 17, Vashi

Navi Mumbai

4 (d) Sushma Joginderpal Malhotra

of Bombay Adult, Indian Inhabitant

Residing at Madhuban Apartment

A Block Worli, Mumbai 400 018.

4 (e) Laxmi Rajkiran Grover,

Adult Indian Inhabitant, residing

Near Post Office, Kota, Rajasthan

4(f) Sundribai Jashanmal Khanna

(since deceased)

4(f-1) Rekhadevi Nandlal Khanna

4(f-2) Vinod Nandlal Khanna

4(f-3) Pawan Nandlal Khanna

4(f-4) Inder Jashanmal Khanna

(since deceased)

4(f-4a) Mrs. Kiran Inder Khanna

4 (f-4b) Mr. Punit Inder Khanna

4 (f-4c) Miss Sheetal Inder Khanna

4(f-5) Chander Jashanmal Khanna

4 (f-6) Balram Jashanmal Khanna

(since deceased)

4(f-6a) Mrs. Saroj Balram Khanna

4 (f-6b) Prasannata Vikram Patwardhan

4(f-7) Harish jashnmal Khanna

4(f-8) Miss Nirmala Jashanmal Khanna

(since deceased)

4 (f-8a) Mr. Ashrafali Ahmed Petkar

4f-8b) Mr. Ahsaan Ashrafali Petkar

of Bombay, Indian Inhabitant

both residing at 02, Kanti Co-

operative Housing Society Ltd.

Plot No.45, Sector 14, Vashi

Navi Mumbai 400 703.

(legal heirs and representative of

Late Ms. Nirmala Khanna alias

Nazia Ashraf Petkar

4 (f-9) Mrs. Vandana Jairamdas Makhija

4(f-10) Mrs. Vanita Shamsunder Chandiwani

4 (f-1) to 2 (f-10) legal heirs of

Sunderbbai Jashanmal Khanna

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Defendant No.2 (f)

4(g) Nandlal Jashanmal Khanna

(since deceased)

4 (g-1) Rekhadevi Nandlal Khanna

4 (g-2) Vinod Nandlal Khanna

4 (g-3) Pawan Nandlal Khanna

4(h) Inder Jashanmal Khanna

(since Deceased)

4(h-1) Mrs. Kiran Inder Khanna

(since deceased)

4 (h-2) Mr. Punit Inder Khanna

4 (h-3) Miss Sheetal Inder Khanna

All adult Indian Inhabitant

of Bombay residing at Anand Villa

15th Road, Plot No.G-47

off Sourth Avenue, Santacruz (West)

Mumbai 400 054.

4(i) chander Jashanmal Khanna

4 (j) Balram Jashanmal Khanna

(since deceased)

4 (j-1) Mrs. Saroj Balram Khanna

Adult, aged about 60 years

Occupation : Household

4 (j-2) Prasannata Vikram Patwardhan

D/o. Balram Khanna

Adult, Aged 38 years

Occupation : Household

Both having address at C/o.

Shri R D Khanchandani

Office No.1, Sai Pooja CHS

Near Jankalyan Bank, Om Nagar

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Andheri (East) Mumbai 400 059.

4 (k) Harish Jashanmal Khanna

4(l) Mrs. Nirmal Jashanmal Khanna

(since deceased)

4(2-11) Mr. Ashrafali Ahmed Petkar 4(2-12) Mr. Ahsaan Ashrafali Petkar

of Bombay Indian Inhabitants

both residing at 02, Kanti Co-operative

Housing Society Ltd., Plot No.45

Sector 14, Vashi, Navi Mumbai 400 703

(legal heirs and representative of

Late Ms. Nirmala Khanna alias Nazia

Ashraf Petkar)

4(m) Mrs. Vanita Shamsunder Chandwani

4 (n) Mrs. Vandana Jairamdas Makhija

4(a) to 2 (n) heirs and legal

representative of Saligram

Gurudasmal Khanna the Defendant

No.2 (Since deceased)

5. Jashhanmal Saligram Khanna

(since deceased)

5(a) Navanbai Shivandas Manghanani

(since deceased)

5 (b) Sundribai Jashmal Khanna

(since deceased)

5 (b-1) Rekhadevi Nandlal Khanna

5 (b-2) Vinod Nandlal Khanna

5 (b-3) Pawan Nandlal Khanna

5 (b-4) Inder Jashanmal Khanna

(since deceased)

5 (b-4 a) Kiran Amit Khanna (Deceased)

5 (b-4 b) Amit Inder Khanna 5(b-4c) Miss Sheetal Inder Khanna

5(b-5) Chander Jashnamal Khanna

5(b-6) Balram Jashanmal Khanna

(since deceased)

5(b-6a) Mrs. Saroj Balaram Khanna

5 (b-6b) Prasannata Vikram Patwardhan

5(b-7) Harish Jashanmal Khanna

5(b-8) Mrs. Nirmala Jashnmal Khanna

(since deceased)5(b-8 a) Mr. Mr. Ashrafali Ahmed Petkar

5 (b-8 b) Mr. Ahsaan Ashrafali Petkar

of Bombay Indian Inhabitants

both residing at 02, Kanti Co-operative

Housing Society Ltd., Plot No.45

Sector 14, Vashi, Navi Mumbai 400 703

(legal heirs and representative of

Late Ms. Nirmala Khanna alias Nazia

Ashraf Petkar)

5 (b-9) Mrs. Vandana Jairamdas Makhija

5 (b-10) Mrs. Vanita Shyamsunder Chandwani

5 (c) Nandlal Jashanmal Khanna

(since deceased)

5 (c-1) Rekhadevi Nandlal Khanna

5 (c-2) Vinod Nandlal Khanna

5 (c-3) Pawan Nandlal Khanna

5 (d) Inder Jashanmal Khanna

(since deceased)

5 (d-1) Mrs. Kiran Inder Khanna

5 (d-2) Mr. Punit Inder Khanna

5(d-3) Ms. Sheetal Inder Khanna

5(e) Chander Jashanmal Khanna

5(f) Balram Jashanmal Khanna

(since deceased)

5(f-1) Mrs. Saroj Balram Khanna

5(f-2) Prasannata Vikram Patwardhan

5 (g) Harish Jashanmal Khanna

5 (h) Mrs. Nirmala Jashanmal Khanna
(since deceased)

5 (h-1) Mr. Mr. Ashrafali Ahmed Petkar

5 (h-2) Mr. Ahsaan Ashrafali Petkar
of Bombay Indian Inhabitants

both residing at 02, Kanti Co-operative
Housing Society Ltd., Plot No.45

Sector 14, Vashi, Navi Mumbai 400 703

(legal heirs and representative of

Late Ms. Nirmala Khanna alias Nazia
Ashraf Petkar)

5 (I) Mrs. Vanita Shamsunder Chandwani

5(j) Mrs. Vandana Jairamdas Makhija

6. Nandlal Jashanmal Khanna

(since deceased)

6a) Mrs. Rekhadevi Nandlal Khanna

6(b) Vinod Nandlal Khanna

6 (c) Pawan Nandlal Khanna

369, 1st Floor, 7th Cross

Laxmi Akki Thamanashalli, Extn.

Shanty Nagarm Bangalore 560027.

7. Inder Jashanmal Khanna

(since deceased)

7 (a) Mrs. Kiran Inder Khanna

7 (b) Mr. Punit Inder Khanna

7 (c) Ms. Sheetal Inder Khanna

All adult indian inhabitant

residing at Anand Villa, 9th road, Plot No.Q43

Off Sourth Avenue, Santacruz (West), Mumbai 400 054.

8. Balkrishan Jiwandas

(since deceased)

7 (a) Shr Nandlal Balkishan

Adult, aged 64 years

Occupation, business Indian

Inhabitant of Mumbai, residing

at flat no.22, 2nd floor, Mona

Lias, Boman Petit Road

Mumbai 400 036.

8(b) Shri Vikram Balkrishan

Adult, aged 54 years

Occupation, business Indian

Inhabitant of Mumbai, residing

at flat no.22, 2nd floor, Mona

Lias, Boman Petit Road

Mumbai 400 036.

9. Shakunta Balkishan

of Bombay, Indian Inhabitants

partners of Khanna Construction

residing at Flat No.74. Tenerife

Building, Little Gibbs Road

Mumbai 400 006.

Sub: Show cause Notice as to why the lease granted in the year 1961 for Plot No.44 of Worli Hill Estate Scheme No.58 bearing C.S.No.903 of Worli Division G/S Ward to " M/s. Khanna Construction House" under Registered No. 2514/65 of the Book I dtd. 10th February, 1965 with Sub- Registrar Bomay should not be terminated

**Ref: 1) In the High Court Judicature At Bombay
Appellate Civil Jurisdiction
FA (st) No.31064 of 2018
Ghanshyam Saligram Khanna
V/s.
Nandalal Balkrishnan & ors**

**2) Court orders dated 7th July, 2022, 19th July, 2022, 19th July,
2024**

Respected sir,

With reference to the above, it is to mention here that the subject plot is leased to 1) Shri. Saligram Gurudasmal Khanna, 2) Shri. Jashanmal Saligram Khanna, 3) Nand Jashanmal Khanna, 4) Shri. Inder Jashanmal Khanna, 5) Shri. Balkrishna Jivandas and 6) Shri. Nandlal Balkrishna, the partners of M/s. Khanna Construction House for the period of 999 years from 12/01/1961 vide CR No. 1675 of 22/03/1949 and CR No. 1065 of 18/11/1957 upon the payment of annual/ground lease rent of Rs. 13,875/-.

Subsequent to the grant of lease and possession of the said land being handed over to lessees a building by the name " Khanna Construction House" was constructed.

It appears from the proceeding of the First Appeal (Stamp) No. 31064 of 2018 filed by Ghanshyam Saligram Khanna against Nandlal Balkrishna & ors. that in the said First Appeal Ghanshyam Saligram Khanna has challenged the order dt.20.08.2018 passed by the Hon'ble City Civil Court , the said order is reproduced as under

"1. Suit is decreed on admission.

2. The partnership firm "M/s. Khanna Construction House" is declared dissolved with effect from the date of order.

3. The affairs of the partnership firm "M/s. Khanna Construction House" be wound up and court receiver, appointed by Hon. Bombay

High Court, is directed to realize its assets, debts paid and its accounts be taken and the share coming to each of partners of firm be ascertained as per their shares after deducting the taxes including municipal taxes, property taxes and other charges etc. including fee of Court Receiver.

4. Plaintiff and original defendants have following shares in the partnership properties assets and profits.

<i>Plaintiff</i>	<i>9%</i>
<i>Original defendant No.1</i>	<i>22%</i>
<i>Original defendant No.2</i>	<i>14%</i>
<i>Original defendant No.3</i>	<i>9%</i>
<i>defendant No.4</i>	<i>9%</i>
<i>defendant No.5</i>	<i>9%</i>
<i>defendant No.6</i>	<i>22%</i>
<i>defendant No.7</i>	<i>6%</i>

5. The Court Receiver is directed to take all accounts from the parties and after receipt of it to file the suit for ejectment and recovery of rent and compensation from the occupants of the partnership firm, if any due.

6. Plaintiff and defendants are hereby restrained in creating third party interest in the suit property or disposing off, alienating, encumbering or parting with possession of partnership assets and properties by any means or by any manner.

7. Preliminary decree be drawn up accordingly.

8. Parties are directed to bear their cost.”

Further, it appears from the proceedings of the said First Appeal pending before Hon'ble High Court that above mentioned parties are parties of the said First Appeal, hence, this notice is hereby also issued to the above parties, *though their legal heirship and /or their rights in the lease are not established by them with BMC.* Please note that BMC was not party to the suit no. 10318 of 1973 before the City Civil Court . Later on in the First Appeal bearing (st.) no. 31064 of 2018 the Hon'ble High court directed to implead the corporation in the said First Appeal.

You are aware that as per Orders dated 7th July 2022 read with 19th July 2022 passed by the Hon'ble High Court Bombay in First Appeal (Stamp) No.31064 of 2018, the building standing on the above referred plot was demolished by BMC being dilapidated and dangerous structure.

Further you are aware that in paragraph no.5 of the said Order dated 7th July, 2022 passed by the Hon'ble High Court Bombay in First Appeal (Stamp) No.31064 of 2018, the Owners of the building were given 6 weeks (later on six months time was granted by way of speaking to minutes)to convey their decision to BMC whether they agree to redevelop/reconstruct building on the said plot and further it was also clarified that Corporation shall be at liberty to take over the land from the owners of the building by protecting rights of the tenants/occupants, if the owners of the building fails to take the decision to redevelop/ reconstruct the building within period of six weeks. (later on six months time was granted by way of speaking to minutes). It is to clarify here that owner of

this plot is BMC and the word owner of the building is used by the Hon'ble High Court in its order is used for the lessees of BMC . In the above order the last date for submission of proposal for redevelopment of said building by the owners of the building i.e. lessees was 6th January, 2023.

North Star Homes pvt. Ltd. (An Avighna Group Company) submitted their letter/proposal on 5th January, 2023. The said letter though submitted in time limit prescribed by the Hon'ble High Court was not submitted by the owners of the building (i.e. lessees). Hence, this proposal is rejected by BMC for the reasons mentioned in the letter u/n. AC Estate/ 533912/AE (I) -I of 8/11/2024.

L.D. Shah & Company submitted their letter dated 06th June, 2023 to Assistant Municipal commissioner (Estate) stating that they have already submitted their proposal on 6th January, 2023, which is actually submitted on 17th January, 2023 to the office of Assistant Commissioner, G/S Ward, wherein they have stated that they are agreeing to redevelop building Khanna Construction House and willing to comply requisite formalities. The said proposal /letter was not submitted in time limit prescribed by the Hon'ble High Court by the owners of the building (i.e. lessees). Hence, this proposal is rejected by BMC alongwith other reasons mentioned in the letter u/n.u/n. AC Estate/ 472108/AE (I) -I of 8/11/2024

Other proposals forwarded by the Court receiver Bombay High Court of North Star Homes pvt Ltd (An Avighna Group Company, Unique Estate Development Company Ltd (K Raheja Reality Group), Suvidha lifespaces (Suvidha Group), K Raheja Corp Real Estate Pvt Ltd (Formerly known as Feat Properties Pvt Ltd were rejected vide letter u/n. AC Estate/ 533912/AE (I) -I of 8/11/2024 to all parties due to the reasons mentioned therein and BMC is proceeding further action as per the court order.

Thus the BMC has not received any legal, valid & collective proposal from the owners of the building/ Partnership Firm and all the lessees of the partnership firm in

compliance of the Order dated 7th July 2022 read with order dated 19th July, 2022 passed by the Hon'ble High Court Bombay in the said First Appeal.

And also despite Demand Notice dated 10th April 2024 issued by Assessor & Collector Department of BMC, G- South ward to pay the arrears of property tax totally amounting to Rs. 8,39,82,176/- (Rs. Eight Crore Thirty Nine Lakh Eighty Two Thousand One Hundred Seventy Six) , the same remains unpaid since year 2008. Hence BMC has also issued Warrant of Attachment dated 10th June 2024 proposing sale of plot u/s.206 of MMC Act 1888.(Copy is annexed herewith).

Hon'ble High Court directed that, "if the owners of the building fails to take the decision to redevelop/ reconstruct the building within a period of six weeks the Corporation shall be at liberty to take over the land from owners of the building by protecting the rights of the tenants/ occupants".(later on six months time was granted by way of speaking to minutes).

The Partnership Firm M/s. Khanna Construction House was dissolved by Hon'ble City Civil court vide Judgement/Order dated 20/08/2018, for which lease was granted.

In view of what is stated hereinabove, it is now clear that you do not possess any legal right, title and interest in the said plot that can be legally entertained by BMC for such development

On consideration of aforesaid facts, and as directed by Hon'ble High Court in it's order dated 7 July 2022 read with order dated 19th July, 2022, BMC in the larger public interest and to safeguard its property and interest of the erstwhile tenants of the building, is considering to terminate the lease granted in your favor, as you have failed and neglected firstly to pay the outstanding lease rent of Rs. 3,71,488 (Rs. Three Lakh Seventy One Thousand Four Hundred Eighty Eight) since 30th June, 1998 and secondly being in non compliance of Order dated 7th July 2022 read with order dated 19th July, 2022 passed by the Hon'ble High Court Bombay in the aforesaid First Appeal thereby rendering the said plot

& the building to be in ruinous condition causing severe hardship to the tenants of the building and neighboring residents.

You are hereby therefore called upon to submit your written submission along with requisite documents which should be permissible in law in support of your written response thereof within fifteen days of receipt of this Notice failing which it will be assumed that you have nothing to say in response to the present show cause notice and thereafter BMC shall initiate appropriate action in accordance with law.

Sd/- 08.11.2024.

(Shri. Sanjog Kabare)
Dy. Municipal Commissioner
(Improvement)

Copy to-

Court Receiver , High Court Bombay

(High Court Suit No. 1010 of 1973, BCC Suit No. 1010 of 1973)

Matter is pertaining to FA (St) 1031064 of 2018 **Ghanshyam Saligram Khanna V/s. Nandalal Balkrishnan & ors.**