Arbitration and Conciliation Act, 1996, Section 9 – Developer failed to complete construction of the demolished society – Application by members of a co-operative housing society against the respondent-developer whose building was demolished in January 2015 and who are suffering from the year 2011 since they vacated their respective tenements – There was no real intention on the part of the developer to undertake the project – .... The balance of convenience is also in favour of the society – If the reliefs as prayed for are not granted, it will add to the suffering of the members of the society – Receiver appointed , in case of default

Though the Agreement is of the year 2010, the respondent could achieve construction of only 20% of the plinth- Respondent failed to pay the transit rent to the members of the society – In 2021 the society passed a resolution to terminate the development agreement entered with the respondent, and to remove the respondent as the developer – Intention is that the society needs now to proceed with the redevelopment project, by appointing a new developer – It cannot be, that merely because the respondent happened to be a developer of the society, whose agreement stands terminated can take a position at the peril, suffering, harassment and disadvantage of the members that too belonging to low income group and who are without a house since the year 2011, can create any hurdles for the petitioner to undertake redevelopment, by appointing a new developer – At the most respondent can interalia claim the damages from the society – a strong prima-facie case has been made out by the society for grant of interim measures as prayed for – The balance of convenience is also in favour of the society – If the reliefs as prayed for are not granted, it will add to the suffering of the members of the society – Receiver appointed , in case of default – Arbitration and Conciliation Act (1996), Ss.9, 17 – Civil Procedure Code, 1908, O.40 R.1 – Interim prayer granted

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