

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO. 851 OF 2017
IN
SUIT NO. 147 OF 2017**

Mrs. Lourdes Veronica Baptista ... Applicant/Plaintiff

Versus

M/s. Crescent Builders and
Developers & Ors. ... Defendants

Mr. Rohaan Cama a/w Mr. Shanay Shah for the Plaintiff.
Ms. Apurva Thipsay i/b Shreyas Vyas for Defendant Nos.1 and 2.
Mr. Aditya Ajgonkar a/w Shipraa Tanna i/b K.P. Tiwari & Company for
Defendant Nos.3 to 5.
Mr. Shyam Kapadia a/w Vivek Sharma i/b Solomon & Co. for Defendant
No.8.
Mr. Himanshu B. Takke, A.G.P for State of Maharashtra- Defendant No.9.
Ms. Pooja Yadav for M.C.G.M.
Mr. S. Shamim i/b S. Shamim & Co. for Defendant Nos.11 and 12.
Mr. Mohit Jadhav for the Applicant in IAL/28284/2022.
Mr. Savio Fernandes, Member of the Society, present.
Ms. R.V. Rane, 2nd Asstt. to C.R. present.

CORAM : R.I. CHAGLA, J.

DATED : 3rd OCTOBER, 2022.

ORDER :

1 Heard the learned Counsel for the parties. By order dated
26.09.2022 this Court had modified the prior order dated 29.08.2022.

Insofar as subject flat No.603 is concerned, the offerer had only deposited the EMD and the balance sum of licence fee was to be deposited within a period of one week from the date of uploading of the said order dated 26.09.2022. It was made clear that in the event the said sum is not deposited within the stipulated time, their offer, which was accepted by this Court vide order dated 29.08.2022, shall stand rejected.

2 Today, the 2nd Assistant to the Court Receiver informs this Court that the offerer whose offer of licence in respect of subject flat No. 603 was accepted by this Court on 29.08.2022 and who had to deposit the balance sum within stipulated period of one week from the date of uploading of the order dated 26.09.2022, has informed the 2nd Assistant to the Court Receiver that the balance sum will be deposited by today. In that event it is made clear that if the balance sum of licence fee is not deposited by 06.10.2022, their offer will stand rejected.

3 It is stated by the 2nd Assistant to the Court Receiver that insofar as the subject flat No.301 is concerned, the offerer who offer licence fee was accepted by this Court vide order dated 29.08.2022 and who had only deposited the EMD, pursuant to a direction to deposit the balance sum within a period of one week form the date of uploading of order dated 26.09.2022, the offerer has deposited the balance sum with

the Court Receiver. Accordingly, the said order dated 26.09.2022 insofar as subject flat No.301 is concerned, has been complied with.

4 With regard to subject flat No.602 is concerned, the Court Receiver was directed to consider the subsequent offers which were being made to the Court Receiver in view of the offerer Mr. Amjad Khan not willing to take the subject flat on leave and licence basis by paying the licence fee. The offerers have submitted their offers to the Court Receiver and the Court Receiver has accepted one of the offers for taking the subject flat No.602 on leave and licence basis. This is an offer of one Mr. Shafique Siddique who has deposited EMD of Rs.7,000/-. The balance sum which is to be deposited with the Court Receiver for taking subject flat No.602 on leave and licence basis, remains to be deposited. The 2nd Assistant to the Court Receiver states that it has been communicated to the Court Receiver that balance sum will be deposited by today. In that event, it is made clear that if the balance sum for taking the subject flat No.602 on leave and licence basis is not deposited by 06.10.2022, the offer shall stand rejected.

5 The matter shall be placed for compliance on 10.10.2022 at 2.30 p.m.

(R.I. CHAGLA, J.)