

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

INTERIM APPLICATION (L) NO. 3924 OF 2025

IN

COMMERCIAL ARBITRATION PETITION NO. 136 OF 2022

Shri Saroj Sadan Co Operative Housing Society Ltd

...Applicant

Versus

Vini Developers & Ors.

...Respondents

WITH

INTERIM APPLICATION NO. 5602 OF 2025

IN

COMMERCIAL ARBITRATION PETITION NO. 136 OF 2022

Ms. Janhavee Joshi i/b Mr. Haresh Lulia, for the Applicant.

Mr. Prakhar Tandon, for Respondent No.1.

Ms. Pooja Yadav (through V.C.), for the Respondent-BMC.

Mr. Deepak S. Bhalerao, Second Assistant to Court Receiver, present.

CORAM : ARIF S. DOCTOR, J.

DATE : 12th MARCH, 2026

P.C.

1. Today, I am informed that, since the previous order, the Court Receiver has removed the board. The prospective purchaser of the said Flat Mr. Chirag Jain, has applied for a loan for the purchase of the said flat and sanction of the same is expected within a period of four weeks from today.

2. Learned counsel for the Respondent-Developer submits that upon sanction of the loan, the entire consideration shall be paid to the society towards an adjustment of the outstanding dues of the Developer to the society. Insofar as the balance amount is concerned there is no dispute between the parties. He submits that there is a sum of Rs.2,59,95,099/- payable, whereas the society claims a

balance of Rs.3,32,29,243/-. The Developer, however, disputes this and claims that only an amount of Rs.2,00,00,000/- is payable, which he undertakes to pay to the society within a period of six weeks. Learned counsel appearing for society submits that upon payment of Rs.2,00,00,000/-, the balance of Rs.1,32,29,243/- will remain payable to the society by the Developer. The entire outstanding of Rs.59,95,099/- as claimed by the Developer, shall be paid to the society. He further submits that the rent for the months of February and March shall be paid within a period of one week from today. His statement is accepted.

3. Learned counsel for the Respondent–Corporation is today present and submits that she shall take instructions with regard to the Occupation Certificate. She submits that, according to the Developer, all compliances have been made and hence Occupation Certificate is being withheld unreasonably.

4. Learned counsel for the Respondent–Corporation is therefore directed to file an affidavit what the status of the Occupation Certificate and whether any compliance is still outstanding. Let such affidavit be filed within a period of three weeks from today.

5. The Court Receiver shall stand discharged without passing of accounts on the Applicant undertaking to make payment of all the necessary costs, charges and expenses of the Court Receiver.

6. Stand over to **23rd April 2026**.

[ARIF S. DOCTOR, J.]