

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

**CONTEMPT PETITION (L) NO. 4934 OF 2022
IN
INTERIM APPLICATION (L) NO. 19494 OF 2021**

New Rising Sun Co-Operative
Housing Society Limited ...Petitioner
vs.
K Bhatia Realtors And 7 Ors. ...Respondents

**ALONGWITH
SUIT NO. 190 OF 2021
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INTERIM APPLICATION (L) NO. 19494 OF 2021
IN
SUIT NO. 190 OF 2021**

New Rising Sun Co-Operative
Housing Society Limited ...Plaintiff/Applicant
vs.
Bhatia Realtors And Anr. ...Defendants/Respondents

Mr. Karan Dua i/by Bhandary and Bhandary - Advocate for the
Petitioner
Mr. Kunal Bhanage i/by Mr. Akshay Pawar - Advocate for the
Respondent No. 2.

CORAM : S. M. MODAK, J.

DATE : 11th SEPTEMBER 2023

P. C. :-

1. Heard learned Advocate for the Applicant-Plaintiff
and learned Advocate for the Respondent - Developer. I have
heard both of them at great length.

2. My attention is invited to the Order dated 08/06/2023 and 18/07/2023 passed in this Contempt Petition. Submissions are recorded and certain directions are given. It is true that in para no. 4 of the Order dated 18/07/2023, the office bearer of the Petitioner-Society was granted liberty to communicate to the Respondent Nos. 2 to 8.

3. According to the Petitioner's counsel there are two communication made on behalf of the Respondent Nos. 2 to 8. The learned Advocate fairly admits that one email dated 09/09/2023 is received. He seeks some time to take instructions. In addition to that, there is one more email sent on behalf of the Petitioner. Let it be sent to the attorney of the Respondent Nos. 2 to 8 again.

4. So far as arrears of the transit rent accommodation is concerned, learned Advocate for the Petitioner has made following two submissions:-

- a) There are three members of the Society of whom there is shortfall of Rs. 10 Lakhs.
- b) For another 4th member, there is a short fall of Rs. 30,35,000/- for arrears.
- c) Whereas there is a short fall of Rs. 52000/- for every months, and it is for three months.

5. Let learned Advocate for the Respondent Nos. 2 to 8 to take instructions on this aspect.
6. It is submitted on behalf of the Respondent Nos. 2 to 8 that except these contentions, all other arrears of transit rent accommodation is cleared.
7. There is one more contention on behalf of the Petitioner, it is in respect of completing construction of the building. It is true that in the Order dated 08/06/2023, in para no. 8, a submission is recorded that Respondent will try to complete the construction by December 2023. The Petitioners are concerned about the same.
8. Learned Advocate for the Respondents assures that he will produce architect report thereby mentioning the status and when the construction is likely to be completed.
9. Let the Respondents to comply with the above observations within three weeks.
10. The copy be served on the Petitioner in advance by one week. Rejoinder, if any, be filed within one week thereafter.
11. Matter be kept on **17/10/2023 high on board.**

[S. M. MODAK, J.]