

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION (L) NO. 5867 OF 2026
IN
SUIT NO.190 OF 2021
WITH
CONTEMPT PETITION (L) NO.4934 OF 2022

New Rising Sun Co-Operative Housing Society Limited

...Applicant/ Petitioner

Versus

Bhatia Realtors

...Respondents

Mr. Digvijay Singh, for the Original Plaintiff.

Mr. Kunal Bhange, for the Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 9, 2026

ORDER :

1. Mr. Bhange has entered appearance along with the alleged Contemnors, who are present in Court and based on the instructions personally obtained from them in Court, he submits that to avoid apprehensions about monies not being paid unless the matter is listed, cheques payable to 19 payees representing 13 members of the Petitioner-Society have been brought to Court and one being tendered to the Advocate for the Petitioner-Society ("***Society***") today.

2. Learned Advocate on behalf of the Society shall check the accuracy and veracity of the cheques with payment instruments and confirm to the Advocate for the alleged Contemnors in the course of today if there is any shortcoming in the issuance of the cheques.

3. The other grievance of the Society is that the plans envisaging a residential building have been amended behind the back of the Society to develop commercial premises along with the residential building. On this count too, Mr. Bhangé has been given instructions by the alleged Contemnor present in Court that there will be no development of commercial premises and the plan as originally envisaged will be adhered to.

4. Let such statement be made on an affidavit by each of the alleged Contemnors which shall be filed in this Court no later than ***April 15, 2026***.

5. Mr. Bhangé also has instructions to commit that five out of the seven floors have been completed, and the entire project will be completed with occupation certificate being obtained within a period of twelve months from today. Such commitment also needs to be made in an affidavit which shall be filed before ***April 15, 2026***.

6. Be that as it may, considering the past conduct and the situation that we are in, in addition to the five cheques handed today,

cheques for a total period of 18 months i.e. another bunch of post-dated cheques for the next 13 months shall also be handed over to the Society on or prior to ***April 15, 2026***.

7. Stand over to ***April 15, 2026***.

8. Considering that the matter is being stood over by an entire week, the alleged Contemnor shall also annex to their affidavit a certificate by the Architect confirming the factual position asserted today, namely, that seven out of 14 floors have already been constructed.

9. All cheques shall be handed over to the Advocates for the Society and the disbursement to the respective payees and members shall be effected by the Society.

10. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]