



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

COMMERCIAL ARBITRATION PETITION NO. 559 OF 2017

Mulund Raviraj Co-operative Housing Society Ltd. ... Petitioner

Versus

Rupji Constructions and another ... Respondents

WITH

CHAMBER SUMMONS NO. 217 OF 2018

NOTICE OF MOTION NO. 688 OF 2018

CHAMBER SUMMONS NO. 234 OF 2019

CHAMBER SUMMONS NO. 45 OF 2019

CHAMBER SUMMONS NO. 350 OF 2019

CHAMBER SUMMONS (L) NO. 313 OF 2018

Mr. Anushk Sabnis for the Petitioner.

Mr. Vikhil Dhoka i/b. G.M. Legal for K. Patel and Company.

Mr. Amit S. Potnis - Respondent No. 1.

Mr. Santosh Dalvi, for Interveners in CHS No. 217 of 2018

Mr. Nitesh Masurkar for Ms. Priyanka Jadhav.

Mr. Rubin Vakil along with Mr. Manish Doshi, Ms. Esha Malik instructed by Vimadlal & Co. for the Auction Purchasers.

Mr. Sagar Patil for MCGM.

Mr. Ketan Trivedi - Commissioner, present.

Mr. Madhukar Rupji along with Mr. Tejal Rupji, present in person.

Mr. Chetan Rupji, present.

Mr. Nemchand K. Gangar, present.

CORAM : S.J. KATHAWALLA, J.

DATED : 18th JULY, 2019

(In Chambers)

P.C.:



1. Perused the Order dated 12th July, 2019. Mr. Nemchand Gangar has today paid the balance amount of Rs.7,17,25,000/- by pay order after deducting 1% TDS. The same is drawn in favour of the Prothonotary and Senior Master. In view of the entire sale consideration being paid by Mr. Gangar, the following directions are issued :-

(i) All the original documents qua the flat at Devratna Building alongwith four parkings (2 podium + 2 open) (*the said premises*) shall be handed over to Mr. Nemchand Gangar.

(ii) The final Agreement qua the said premises shall be executed by and between Mr. Madhukar Rupji and Mr. Nemchand Gangar alongwith his son – Mr. Mayank Gangar. It shall be provided in the Agreement that the purchasers shall not be liable qua the past liabilities in respect of the said premises and the said Agreement shall be perused and approved in writing by the builder K. Patel and Company.

(iii) The builder shall forward copies of IOD, CC, OC alongwith the OC plan and building completion certificate to Mr. Nemchand Gangar and his son – Mr. Mayank Gangar.

(iv) Possession of the flat and car parkings shall be handed over by the Court Commissioner Shri. Ketan Trivedi to Mr. Nemchand Gangar and his son – Mr. Mayank Gangar by 20th July, 2019.

(v) The Society shall upon the Agreement and all the necessary documents being presented accept Mr. Nemchand Gangar and his son – Mr. Mayank Gangar as joint members of the said premises.



2. One Sripadmalaya Infraprojects Limited have submitted their proposal to develop the Petitioner's property at Mulund. Mr. Tejal Rupji states that he too is in a position to complete the project through his Contractor Mr. Ravjibhai Patel. In view thereof, those interested in submitting their offers to complete the subject project, may do so by the adjourned date. Mr. Ravjibhai Patel shall remain present on the next date of hearing.
3. Prothonotary and Senior Master shall from the funds deposited with him pay within one week from today Rs.23,90,000/- to the builder i.e. K. Patel and Co. Private Limited towards their claim amount.
4. The Prothonotary and Senior Master shall within one week from today pay the property tax of Rs.22,15,027/- to the Corporation in respect of subject project and Rs.88,366/- towards temporary site office constructed by the builder aggregating to Rs.23,03,393/-.
5. The Prothonotary and Senior Master shall within one week from today pay Rs.9,00,000/- to the Society towards rent for the month of February 2019 within a period of one week from today.
6. On the next date of hearing Mr. Das shall appear before the Court and give information qua the steps taken by Bank of India qua the sale of flat No.703, 7th Floor, Subh Ashirwad CHSL, Plot No.117, Matunga Estates, C.S. No.116/10, Matunga Division Lane Road No.5, Hindu Colony, Dadar, Mumbai – 400 014.



7. Stand over to 1st August, 2019 at 5.30 p.m. On that day, the Superintendent of Prison, Taloja shall arrange to produce Mr.Madhukar Rupji and Mr.Tejal Madhukar Rupji, before this Court at 5.30 p.m. in Chambers. The Superintendent of Prison, Taloja, shall ensure that Mr.Madhukar Rupji and Mr.Tejal Madhukar Rupji along with escort shall leave Taloja Prison on 1st August, 2019 by 12.00 noon so that no delay will be caused in bringing them to this Court by 5.30 p.m. The Office of the Government Pleader shall convey this order/direction to the Superintendent of Prison, Taloja.

(S.J.KATHAWALLA, J.)