



**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 CHSL. ... Petitioner

Versus

Rupji Constructions and Anr. ... Respondents

ALONG WITH

CHAMBER SUMMONS NO. 217 OF 2018

IN

COMMERCIAL ARBITRATION PETITION NO. 559 OF 2017

WITH

NOTICE OF MOTION NO. 688 OF 2018

IN

COMMERCIAL ARBITRATION PETITION NO. 559 OF 2017

WITH

CHAMBER SUMMONS NO. 763 OF 2019

IN

COMMERCIAL ARBITRATION PETITION NO. 559 OF 2017

WITH

CHAMBER SUMMONS NO. 234 OF 2019

IN

COMMERCIAL ARBITRATION PETITION NO. 559 OF 2017

WITH

CHAMBER SUMMONS NO. 45 OF 2019

IN

COMMERCIAL ARBITRATION PETITION NO. 559 OF 2017

WITH



NOTICE OF MOTION NO. 350 OF 2019
IN
COMMERCIAL ARBITRATION PETITION NO. 559 OF 2017
WITH
CHAMBER SUMMONS (L) NO. 313 OF 2018
IN
COMMERCIAL ARBITRATION PETITION NO. 559 OF 2017

Mr.Anushak Sabnis for the Petitioner.
Mr.D.S.Shingade for MCGM.
Mr.Sandeep Bane for the Applicants in CHSCD No. 763 of 2019.
Mr.Sawant for 17 Flat Purchasers.
Mr.Madhukar Rupji a/w. Mr.Tejal Rupji, produced from prison.

CORAM : S.J. KATHAWALLA, J.
DATED : 27TH AUGUST, 2019

P.C.:

1. Perused the Order dated 11th August, 2019. I am informed that the learned Advocate representing the Rupjis is unwell and is therefore not present.
2. Though the order directing the Executive Engineer, under whose jurisdiction the subject property being Mulund Raviraj Cooperative Housing Society Limited, Navghar Road, Mulund (East), Mumbai – 400 081 is situated, was directed to remain present before this Court today at 5.00 p.m. along with the original record pertaining to the subject development. The learned Advocate appearing for the Corporation is unable to explain why the Executive Engineer is not present. The Executive Engineer is therefore directed to remain present before this Court on 4th



September, 2019 at 05.30 p.m. in Chambers along with the relevant records / documents.

3. Mr.Madhukar Rupji, Mr.Tejal Rupji, the parties before me and their Advocates agree that the need of the hour is to ensure that the Suit project is completed at the earliest, flats are allotted to the tenants / purchasers and occupation certificate is obtained. They submit that they will cooperate with the Court in all respects to achieve this objective.

4. The Prothonotary and Senior Master is directed to release an amount of Rs.9 Lacs towards the rent payable to the tenants for the month of March, 2019.

5. The Superintendent of Prison, Taloja Prison, is directed to produce Mr.Madhukar Rupji and Mr.Tejal Madhukar Rupji before this Court on 4th September, 2019 at 05.30 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 4th September, 2019 by 12.00 noon so that no delay will be caused in bringing them to this Court by 05.30 p.m.

6. Stand over to 4th September, 2019 at 5.30 p.m. in Chambers.

(S.J.KATHAWALLA, J.)