

**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. 763 OF 2019

CHAMBER SUMMONS NO. 234 OF 2019

CHAMBER SUMMONS NO. 45 OF 2019

NOTICE OF MOTION NO. 350 OF 2019

CHAMBER SUMMONS NO. 1080 OF 2019

CHAMBER SUMMONS (L) NO. 313 OF 2018

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Mr. Anushk Sabnis for the Petitioner.

Mr. Amit Potnis for the Respondent No.1.

Mr. Mangal Bhandari instructed by Mr. Mangesh Deshmukh, appearing for Mr. Rupji in Consumer Court.

Mr. Purazar P. Fouzdar alongwith Mr. Rushad Irani instructed by Mr. Vilas Sawant for 17 Flat Purchasers in Mulund Raviraj CHS/Applicant in CHS-1080-2019.

Mr. Ketan Trivedi – Commissioner, present.

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CORAM : S.J. KATHAWALLA, J.

DATED : JANUARY 29, 2020.

(In Chambers)

P.C. :-

1. The Prothonotary and Senior Master is directed to release the sum of Rs.9,00,000/- towards compensation in lieu of temporary alternate accommodation for the month of April 2019.



2. The Order dated 27th August, 2019 stands modified to the extent that the word '*tenants*' be replaced by the words "*Petitioner-Society*" in paragraph 4 of the said order, to enable the Prothonotary and Senior Master to release the compensation of Rs.9,00,000/- for the month of March 2019.
3. A Committee of following individuals headed by Shri. Ketan Trivedi, Commissioner (Official Assignee) is constituted to take decisions and proceed with the work of development of the project :
 - (i) Mr.K.K. Trivedi, Commissioner (Official Assignee),
 - (ii) Maruti Nalawade (from the Petitioner-Society),
 - (iii) Kamal Harchandani (from the Petitioner-Society),
 - (iv) Pranay Shirsath (from the Petitioner-Society),
 - (v) Pradeep Neelwarna (from the Petitioner-Society),
 - (vi) Architect appointed by the Society Mr. Sachin Chandane (Mobile No.9869056634), and
 - (vii) Architect appointed by Rupjis.
 - (viii) Advocate Amit Potnis representing Rupjis.
4. The Committee shall also consider the claims of third party purchasers and submit its report to this Court.
5. Third party purchasers shall forward the photostat copies of the compilation of documents to the Committee to enable Committee to consider their claims.
6. Stand over to 21st February, 2020 at 5.00 p.m. in Chambers. On that day, the Superintendent of Prison, Talaja shall arrange to produce Mr.Madhukar Rupji and Mr.Tejal Madhukar Rupji, before this Court at 5.00 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 21st February, 2020 by 12.00 noon so that no delay will be caused in bringing them to this Court by 5.00 p.m. The Office of the Government Pleader shall convey this order/direction to the Superintendent of Prison, Taloja.

(S.J. KATHAWALLA, J.)