



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

Mr. Anushk Sabnis for the Petitioner.

Mr.U.S. Upadhyay, AGP for EOW.

Mr. Ketan Trivedi, Commissioner for taking accounts, present.

Mr.Sudhakar Shirsat, PI, EOW, present in person.

Mr.Madhukar Rupji, present in person.

CORAM : S.J. KATHAWALLA, J.
DATED : 28TH FEBRUARY, 2018

P.C.:

1. By an order dated 14th February, 2018, the EOW was directed to deposit 193 watches belonging to the Rupji family with the Prothonotary and Senior Master of this Court. However, the figure 193 mentioned in the said order is incorrect since the EOW was in possession of only 192 watches. The EOW has on 26th February, 2018 deposited the said 192 watches with the Prothonotary and Senior Master.
2. Admittedly, the Rupji Constructions have taken possession of the roofs over the head of several members / tenants by promising them to provide flats of larger area on ownership basis upon redevelopment of the properties. Rupji Builders thereafter demolished the buildings, in which the members / tenants were residing, have



abandoned construction, have not paid compensation to the said members / tenants as promised in lieu of temporary alternate accommodation and have brought the said members / tenants on the streets. The building in which the Rupji family is resided, is also taken up for redevelopment by the Developer - K. Patel Company Private Limited, who are paying monthly compensation of Rs.1,70,000/- to the Rupji's in lieu of temporary alternate accommodation. The Rupji's have, as recorded in my earlier orders stated that the Court may proceed to sell the said flats and use the consideration for completion of the Suit project. Though the consideration received from the sale of the two flats by the Rupji family, will not at all be adequate to complete the Suit project, this Court has already directed sale of the said flats. In view thereof, the question of the Rupji's receiving monthly compensation of Rs.1,70,000/- in lieu of temporary alternate accommodation from K. Patel Company Private Limited, does not arise. In view thereof, the following Order is passed :

- i. K. Patel Company Private Limited is directed to deposit the monthly compensation payable to Rupji with the Prothonotary and Senior Master of this Court.
- ii. A copy of this Order shall be served on K. Patel Company Private Limited by hand delivery by the Advocate for the Petitioner.

Stand over to 7th March, 2018 at 03.00 p.m.

(S.J.KATHAWALLA, J.)