



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

INTERIM APPLICATION NO. 3390 OF 2022
IN
COMM. ARBITRATION PETITION NO. 559 OF 2017

Municipal Corporation of Greater Mumbai (MCGM)	...Applicant
<u>In the matter between</u>	
Mulund Raviraj Co-operative Hsg. Soc. Ltd.	...Petitioner
Vs.	
Rupji Constructions and Anr.	...Respondents

Mr. Vikhil Dhoka a/w. Mr. Manas Bahuguna i/b. M/s. G. M. Legal, for the Petitioner in CARBP/559/2017.

Mr. Dormann Dalal, for the Applicant in CHS/40/2020 and NM/688/2018.

Ms. Soniya Parab i/b. Mr. Tejas Deshpande, for the Applicant in IAL/23486/2022.

Mr. P. G. Lad a/w. Ms. K. H. Mastakar, for the Applicant in IA/3390/2022 and Respondent No.2 in MCGM.

CORAM : MANISH PITALE, J.
DATE : 24 APRIL 2023

P.C.

. By this application, the respondent No.2 – Municipal Corporation is seeking permission to withdraw amounts lying with the Prothonotary and Senior Master of this Court, in the context of the present petition. It is stated that the said amount



can be appropriated towards balance premium alongwith interest payable for redevelopment till the date of such payment, on account of the fact that the petitioner – society desires to carry out re-development itself.

2. It is stated that there are certain amounts deposited with the Prothonotary and Senior Master of this Court, in the light of the earlier orders passed in the present proceedings.

3. The respondent No.1 has not appeared before this Court. The learned counsel for the petitioner – society informs this Court that one of the partners of the respondent No.1 – partnership firm has expired while other partner is presently in jail. Perhaps it is for the said reason that there is no representation on behalf of the respondent No.1 before this Court.

4. In so far as the petitioner – society is concerned, reply affidavit is ready in the present application, supporting the prayer made on behalf of the applicant / respondent No.2 (Municipal Corporation).

5. The petitioner – society shall place its reply to the present application on record, by 26/4/2023.

6. The Prothonotary and Senior Master of this Court shall submit a report before the next date of listing as to the exact



amount lying in deposit in the context of the present petition. The applicant / respondent No.2 (Municipal Corporation) shall also inform this Court as to the amount towards premium payable alongwith interest for re-development till 30/4/2023, on the next date of listing.

7. List the application for hearing / disposal on 28/4/2023, to be included in the supplementary list.

8. This Court is informed that a petition under Section 11 of the said Act is also filed by the petitioner – society for appointment of arbitrator. This Court is further informed that there is an order passed by Milind Jadhav, J. presiding over the Court assigned with hearing such petitions under Section 11 of the said Act on the Original Side, recusing from the said petition.

9. In that light, the petition filed under Section 11 of the said Act as per extant assignment, can be listed before this Court. Therefore, the said petition bearing No. CARBP(L)/6622/2022 shall also be listed alongwith the present petition on the next date of listing.

MANISH PITALE, J.