
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.59 OF 2025

IN

COMMERCIAL SUIT NO.126 OF 2022

Vicky Madanmohan Gupta

....Petitioner

Versus

M/s Transcon Seth Creators Pvt. Ltd. & Ors.

....Defendants

Mr. Girish Kedia *a/w. Adv. Krushang Kedia, for Petitioner.*

Mr. Mayur Khandeparkar *a/w. Rohan Savant, Nupur Desai & Isha Chaudhary i/b. IC Legal for Defendant.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 22, 2026

ORDER :

1. This is a Petition invoking the contempt jurisdiction in respect of Consent Terms dated April 8, 2022 (Exhibit 'B' to the Petition).
2. Mr. Mayur Khandeparkar, Learned Advocate on behalf of the Alleged Contemnors (Defendants in this Petition) has entered appearance and gives a verbal assurance that the contempt alleged insofar as it relates to Clause 8(2) would not be sustainable inasmuch as there are no arrears on the monthly transit rent.

3. Learned Advocate Mr. Kedia on behalf of the Petitioner submits that the transit rent often runs into arrears but has been cleared as of today.

4. That apart, Mr. Khandeparkar also has instructions to indicate the period within which he would be able to complete the construction and hand over the premises in terms of Clause 5 of the Consent Terms. Rather than having such a statement be tendered across the bar, it would be appropriate to call upon the Alleged Contemnors to state on oath in an affidavit-in-reply the specific factual status and the indicative dates by when the consent terms would be complied with.

5. Needless to say, the undertakings in the Consent Terms are undertakings given to the Court and would need to be complied with. Defiance of the same would attract the contempt jurisdiction of this Court.

6. In these circumstances, while a reply to the Contempt Petition may be filed before the next day, the affidavit should specifically contain specific affirmations on the dates on which the transit rent had been paid from time to time since the execution of the Consent Terms, to indicate whether there has been a lag with arrears being run-up, which have now been cured.

7. That apart, the indicative timeline and the process of proceeding further including the terms on which a part occupation certificate would be applied for to enable an expeditious handover of the permanent alternate premises shall also be explained in the said reply affidavit.

8. Let such affidavit be filed no later than ***April 30, 2026***. To enable the Learned Advocate for the Petitioner to examine the same and address the Court, stand over to ***May 7, 2026***.

9. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[**SOMASEKHAR SUNDARESAN, J.**]