



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
CONTEMPT PETITION (L) NO.30732 OF 2022  
IN  
SUIT NO.228 OF 2022**

RNA Splendour Buyers Association & .. Petitioners  
Ors.

**Versus**

A.A.Estate Private Limited & Ors. .. Respondents

Adv. Rohan Savant a/w Adv. Abhijeet C. Mahadeokar for the  
Petitioners.

Adv. Joshua Borges for the Respondent No.1.

Mr. Amol Kharpe, respondent no.4.

Mr. Anish Karande i/b Mayur Faria for respondent nos.2, 3 and 4 and  
8.

Mr. Pritesh Burad a/w Ms. Nrupi Savla, Ms. Samita Vaviya i/b  
Pritesh Burad Associates for respondent Nos. 5 and 6.

**CORAM: BHARATI DANGRE, J.  
DATED : 12<sup>th</sup> DECEMBER, 2023**

**P.C:-**

1 In compliance of the order dated 6/12/2023, Mr. Amol Kharpe, the respondent no.4, who is Director of respondent no.2, and the designated partner of respondent no.3, has filed an affidavit affirmed on 11/12/2023, wherein the timelines for deposit of the balance amount of Rs.7,22,00,000/- are set out.

The timelines stipulated are found in paragraph no.2 of the affidavit, which reads thus:



2. *“I hereby state that the aforesaid sum of Rs.7,22,00,000/- (Rupees Seven Crores Twenty Two Lakhs Only) shall be deposited by this Respondents in the following manner:-*

*(a) A minimum of Rs. 1 crore ( Rupee one hundred lacs) on or before 02-01-2024.*

*(b) Balance amount of Rs.6,22,00,000/- (Rupees six Crore and Twenty Two Lakhs Only) on or before 31<sup>st</sup> January 2024.”*

The affidavit filed on behalf of respondent nos.2 to 4, and respondent no.8, is taken on record.

2 In the order dated 6/12/2023, I have taken note of the Consent Terms dated 4/04/2022, filed in Suit No. 228 of 2022, which received an approval from this Court on 11/4/2022. Admittedly only a sum of Rs. 2 Crores came to be deposited out of the entire amount of Rs. 9.22 Crores, which was agreed to be returned and thus a balance of Rs. 22 Crores remain unpaid.

Despite several orders being passed, the amount was not deposited and hence on 6/12/2023, indicating that failure to deposit the amount shall be construed as an aggravated attempt, a statement was made on behalf of the respondent, which was directed to come by way of affidavit.

The affidavit filed today is the consequence of this direction.



By submitting the undertaking in the affidavit, though at this stage, I do not deem it appropriate to reach any conclusion and direct the Contempt Petition to be listed on 6/01/2024, to ensure compliance of the first tranche of payment of Rs. 1 Crore and it is made clear to the contemnors that by not abiding by the statement made in the affidavit, they shall be held guilty of aggravated contempt.

Re-notify to 6/01/2024.

3 My attention is invited to an order dated 6/12/2022 passed by the NCLT, Mumbai Bench in C.P. No. 783/MB/I&B/2021 and I.A. No. 2456/MB/2022 under Section 7 of the IBC, 2016, as against A A Estates Private Limited.

By the said order, CIRP is ordered against A A Estates Private Limited and a moratorium is imposed, from the pronouncement of the order till completion of the process of IRP.

I have taken note of the same.

**( SMT. BHARATI DANGRE, J.)**