



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

**INTERIM APPLICATION (L) NO. 37599 OF 2024
IN
CONTEMPT PETITION (L) NO. 30732 OF 2022**

SHILPA MANISH RACH)...APPLICANT

V/s.

**RNA SPLENDOUR BUYERS ASSOCIATION & ORS.)...RESPONDENTS
WITH
INTERIM APPLICATION (L) NO. 20655 OF 2024
IN
CONTEMPT PETITION (L) NO. 30732 OF 2022**

Ms.Pushpa Ganediwala a/w. Mr.Rohan Sawant, Mr.Abhijit Mahadeokar, Anshu Agrawal and Mr.Ankit B. Rathod i/by Divakar Gond Advocate for the Petitioner in CONPL/30731/2022.

Mr.Pritesh Burad a/w. Mr.Shreyas Moharir and Ms.Disha Patil i/by Pritesh Burad Associates, Advocate for the Respondents No.2, 3, 5 and 6 in IAL/20655/2024 with CONPL/30731/2022.

Mr.Atul Damle, Senior Advocate i/by Mr.Mayur Faria, Advocate for the Respondent no.4.

Mr.Pritesh Burad a/w. Mr.Shreyas Moharir and Ms.Disha Patil i/by Pritesh Burad Associates, Advocate for the Applicant in IAL/37599/2024.

Ms.Viloma Shah, Advocate for the Respondents no.1A to 1D.

CORAM : ABHAY AHUJA, J.

DATE : 6th JANUARY 2025



PC. :

1. Pursuant to earlier orders of this Court ending with order dated 25th October 2024, today when the matter was called out in the morning session, Mr.Atul Damle, learned Senior Counsel appearing for the Respondent no.4 sought some time submitting that the affidavit of the learned Advocate for Respondent no.4, as directed by this Court, was yet to be notarized and the matter was kept back.
2. Mr.Damle, learned Senior Counsel, had also submitted that there are two demand drafts respectively for Rs.50 lakhs and Rs.1 crore in the name of the Prothonotary & Senior Master of this Court and the same can be deposited once directed by this Court.
3. Ms.Ganediwala, learned Counsel appearing for the Contempt Petitioner, submits that out of a total outstanding of Rs.9,22,00,000/- and after deposit of Rs.1,50,00,000/- with the Prothonotary & Senior Master, a sum of Rs.3,71,00,000/- would still be outstanding. Ms.Ganediwala submits that since the Respondents no.2 to 8 were unable to complete the project, the Petitioners, who are an association of flat purchasers, be permitted to complete the project on their own.



Ms.Ganediwala draws the attention of this Court to paragraph 11 of the affidavit in reply of the Respondents no.2 to 4 submitting that the said clause clearly records the Petitioners' to have a right to take over the project and complete it on their own.

4. In the afternoon session, when the matter is called out, an affidavit in reply dated 6th January 2025 of the Advocate for the Respondent no.4 is tendered across the bar which contains an unconditional apology on behalf of the Advocate, submitting that once the Court directs, the demand drafts of Rs.1,50,00,000/- to be deposited with the Prothonotary & Senior Master, the same would be deposited.

5. I have perused the said affidavit and I am of the view that the unconditional apology tendered by the Advocate for the Respondent no.4 be accepted.

6. Further, let the demand drafts totalling to Rs.1,50,00,000/- be deposited with the Prothonotary & Senior Master during the course of the day.



7. As regards the submission with respect to completion of the project by the Petitioners is concerned, this Court will consider the same on the next date.

8. It is also made clear that if the outstanding of Rs.3,71,00,000/- is not paid by the next date, this Court would consider framing charges in the Contempt Petition.

9. Mr.Damle, learned Senior Counsel appearing for the Respondent no.4 and Mr.Burad, learned Counsel appearing for the Respondents no.5 and 6 would submit that the Respondents no.4 and 5, both are present in Court, submitting however that, the Respondent no.6 could not remain present as she is suffering from Cancer. The submission as regards Respondent no.6 is accepted. However, Respondents no.7 and 8 are not present in Court, despite direction to do so on October 25, 2024.

10. Accordingly, Registry is directed to issue notice to the Respondents no.7 and 8 to remain present in Court on the next date, failing which, this Court will pass appropriate orders to secure their presence through the State machinery.



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11. The Respondents no.4, 5, 7 and 8 to remain present in Court on the next date.

(ABHAY AHUJA, J.)

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by ARTI VILAS
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