



**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

IN THE MATTER BETWEEN

**RNA SPLENDOUR BUYERS ASSOCIATION)
AND OTHERS)...PETITIONERS**

V/s.

**A A ESTATES PRIVATE LIMITED AND OTHERS)...RESPONDENTS
WITH
INTERIM APPLICATION (L) NO. 20655 OF 2024
IN
CONTEMPT PETITION (L) NO. 30732 OF 2022**

Ms.Pushpa Ganediwala a/w. Mr.Rohan Savant a/w. Anshu Agrawal a/w.
Mr.Abhijeet Mahadeokar i/by Mr.Diwakar V. Gond, Advocate for the
Petitioners.

Mr.Ativ Patel i/by AVP Partners, Advocate for the Respondents no.1A to
1D.

Mr.Pritesh Burad a/w. Mr.Shreya Moharir i/by Pritesh Burad Associates,
Advocate for the Respondents no.2, 3, 5 and 6 in IAL/20655/2024 and
for the Applicant in IA/37599/2024.

Mr.Atul Damle, Senior Advocate i/by Mayur Faria, Advocate for the
Respondent no.4 in IAL/20655/2024.

CORAM : ABHAY AHUJA, J.

DATE : 29th JANUARY 2025



PC. :

INTERIM APPLICATION (L) NO. 37599 OF 2024

1. This Interim Application has been filed in the Contempt Petition seeking an order to strike off the Applicant from the array of Respondents in the Contempt Petition.
2. Mr.Atul Damle, learned Senior Counsel, appearing for the Applicant submits that the Applicant is Respondent no.6 in the Contempt Petition. That, she is suffering from cancer and is neither a party to the Suit nor to the Consent Terms and having resigned as a designated partner, she be dropped from the array of Respondents.
3. Ms.Ganediwala, learned Counsel, appearing for the Contempt Petitioner – Association seeks some time to file reply to the application submitting that today the matter had been listed for framing of charges against the Respondents.
4. Let reply be filed within a period of two weeks with a copy to the other side. Rejoinder in two weeks thereafter, with a copy to the other side.



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5. When the matter is called out, Ms.Ganediwala, learned Counsel, appearing for the Applicant – Association tenders across the bar Pursis which records that in view of Clause 7.4 of the Consent Terms and as per the Development Agreement of the Respondents with Ashirwad society, Ashirwad society has authorized Respondent no.3 – West Origin to assign, encumber or transfer the benefits of the Development Agreement to any third party or person. That, in view of the Consent Terms and the Development Agreement, the Petitioner no.1 viz. RNA Splendour Buyers Association is taking over the Ashirwad project. Ms.Ganediwala submits that in view of the Pursis updating on the aforesaid developments, all that would remain is framing of charges against the Respondents.

6. Mr.Damle, learned Senior Counsel, appearing for the Respondents has no objection if the Pursis is taken on record by this Court.

7. The Pursis is taken on record.

8. Since Interim Application (Lodging) No.37599 of 2024 is seeking striking off of the Respondent no.6 and this Court has directed filing of



reply and rejoinder, this Court deems it appropriate to consider framing of charges in the Contempt Petition after or at the time of the disposal of the Interim Application (Lodging) No.37599 of 2024.

9. It is also pointed out to this Court by the Court Associate that the notices issued by the Registry to the Respondents no.7 and 8 have been returned unclaimed with the remark 'the said person is not residing at given address'.

10. This Court had recorded that in the event the Respondents no.7 and 8 fail to remain present in Court on the next date, this Court will pass appropriate orders to secure their presence through the State machinery.

11. Today, Respondents no.4 and 5 are present in Court. They are directed to remain present in Court on the next date as well.

12. As far as Respondents no.7 and 8 are concerned, the Petitioner to furnish the current addresses of the Respondents no.7 and 8 to the Registry so that Registry can issue notices to Respondents no.7 and 8 to remain present in Court on the next date. Registry to act accordingly.



13. In the meanwhile, let Mr.Damle, learned Senior Counsel, for the Respondent no.4 advise his client to resolve the matter by returning the amounts collected from the Petitioners.

14. Ms.Ganediwala informs that the Respondents have, till date, deposited Rs.5,51,00,000/- with the Prothonotary & Senior Master and that this Court consider directing the Prothonotary & Senior Master to release the said amount in favour of the Petitioners.

15. Let the Petitioners make an appropriate application before the Prothonotary & Senior Master and the Prothonotary & Senior Master to release the funds to the Petitioner no.1 after due verification and after furnishing of necessary indemnity(ies) and undertaking(s).

16. List on **27th February 2025**.

(ABHAY AHUJA, J.)