



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

1 COMEX/42/2021
WITH
IA/2576/2025
IN
COMEX/42/2021

SHIV SATYAM VAIBHAV CO- OPERATIVE
HOUSING SOCIETY LIMITED

..APPLICANT

VS

PRAGATI INFRASQUARE LLP AND ANR

..RESPONDENTS

WITH

IA(L)/2825/2026

IN

COMEX/42/2021

GIRDHARI LAL JAT

..APPLICANT

VS.

PRAGATI INFRASQUARE LLP

..RESPONDENT

WITH

IA/179/2026

WITH

IA/180/2026

IN

COMEX/42/2021

Pragati Infrasure LLP

..APPLICANT

VS.

Rite Developers Private Limited

..RESPONDENT

WITH

IA/756/2026

IN

COMEX/42/2021

PRAGATI INFRASQUARE LLP

..APPLICANT

VS.

SHIV STYAM VAIBHAV CO-OPERATIVE
HOUSING SOCIETY LIMITED

..RESPONDENT

Adv. Aseem Naphade a/w. Adv. Fatema Tankiwala i/b. LJ Law for judgment creditor.

Adv. Sarosh Bharucha a/w. Adv. Kushal Harnesha i/b. Jay Vakil for judgment debtor no.1.

Adv. Vikas Sharma for applicants in IAL/2825/2026.

Mr. Nikesh Shah, Director of respondent no.1 present in person.

CORAM : RAJESH S. PATIL, J.

DATE : 7 MAY 2026.

P.C. :

1) As per the order passed on 9/4/2026, learned counsel appearing for the Corporation had assured this Court that she will inform about the property tax dues of the subject property which falls under K-East Ward.

1.2) Ms. Tankiwala, learned counsel appearing for the judgment creditor submits that the concerned advocate of the Corporation has handed over Billwise Outstanding Report regarding the plot of land and new building constructed over the said plot of land. A copy of the said report is also now handed over to learned counsel appearing for the judgment debtor.

1.3) Mr. Bharucha, learned counsel appearing for the judgment

debtor no.1 submits that the Corporation has already handed over the Occupation Certificate to his client and such a certificate cannot be handed over unless and until all the Corporation dues including the property tax are paid by the party who applies for Occupation Certificate.

1.4) None appears for the Corporation, when the matter is called out for hearing.

1.5) In order to put a quietus to the issue of property tax, hence, learned counsel from the Corporation who had appeared on the earlier occasion Ms. Rupali Adhate, is hereby directed to remain present on the next date of the hearing.

2) As far as issue of mechanized car parking is concerned, Ms.Tankiwala has handed over two letters dated 29/4/2026 of one Mr. Durvash Yadav, who has communicated that he has inspected the mechanized car parking and the same being in non-operative since few years, it requires servicing to make it functional. He further stated that he is reluctant to repair the same as the developer has not paid him the expenses for the work which he has already done earlier. The copies of those letters have been handed over to Mr. Bharucha so that he can take instructions from his client, to resolve

the issue.

3) Mr. Bharucha, on instructions of his client, as regards lift no.2, submits that the payment has already been done for installation of software, and it is expected that within next seven to eight days this software will start functioning.

4) Mr. Bharucha further on instructions submits that an amount of Rs.3,59,962/- has been paid to Mr. Umesh Patel who holds Flat No.901. The said payment has been made online transfer today in the afternoon. Statement accepted. Mr. Naphade will verify the same.

5) As regards payment of Rs.54,00,000/- which has been mentioned in the order dated 9/4/2026, Mr. Bharucha submits that the said payment can be made in one shot within a period of sixty days if the judgment creditor accepts the said amount.

5.1) Mr. Naphade, learned counsel appearing for the judgment creditor submits that he is representing the Co-operative Housing Society. He needs to take instructions from the Committee Members of the Co-operative Housing Society.

6) The statements of both the counsels are accepted.

7) Mr. Bharucha, learned counsel appearing for the judgment debtor no.1 submits that his client – Mr. Nikesh Shah, Director of

respondent no.1 Company, desires to travel out of the country in the summer vacation, and he cannot do so, since his passport has been deposited before the Prothonotary and Senior Master, High Court, Bombay. He undertakes that if the permission is granted, he will collect the passport from the Prothonotary and Senior Master, High Court, Bombay and will return it back in the first week of June 2026.

7.1) The undertaking given by Mr. Bharucha is accepted.

7.2) In view of the said undertaking Mr. Nikesh Shah is permitted to collect his passport from the office of the Prothonotary and Senior Master, High Court, Bombay and return it back on or before 15/6/2026.

8) Let this matter come up on board on **18/6/2026**, under the caption **“For Directions”**.

9) All concerned to act on an authenticated copy of this order.

(Rajesh S. Patil, J.)