

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 12151 OF 2016

Techstar Infotech (India) Pvt. Ltd.

...Petitioner

Versus

Mrs. Vimla Shyam Bhatia

...Respondent

....

Mr.Ravi Kadam, Senior Advocate a/w. Birendra Saraf, Ranbir Singh i/b. Prakash & Co. for the Petitioner.

Mr. G.S. Godbole, Senior Advocate i/b. Dastur Kalambi & Asso., for Respondent No.1.

....

CORAM : R. G. KETKAR, J.

DATE : 20th OCTOBER, 2016

P.C.

1. Not on board. At the request of Mr.Ravi Kadam, taken up for admission.

2. Heard Mr.Ravi Kadam, learned Senior Counsel for the petitioner and Mr.G.S. Godbole, learned Senior Counsel for the respondent No.1, at length. Leave to amend so as to challenge (1) judgment and order dated 9.5.2016 passed by the Competent Authority, Konkan Division, Mumbai (for short, 'Competent Authority') whereby the petitioner's application for leave to defend was rejected and (2) judgment and order dated 9.5.2016 passed by the Competent Authority thereby allowing the respondent No.1's application under Section 24 of the Maharashtra Rent Control Act, 1999 (for short, 'Act') is granted. Amendment shall be carried out forthwith.

3. By this Petition under Section 227 of the Constitution of India, the petitioner has challenged (1)

judgment and order dated 9.5.2016 passed by the Competent Authority whereby the petitioner's application for leave to defend was rejected, (2) judgment and order dated 9.5.2016 passed by the Competent Authority allowing the application made by the respondent herein as also (3) the judgment and order dated 27.9.2016 passed by the Additional Commissioner, Konkan Division, Mumbai (for short, 'Commissioner') in Revision Application No.524/2016 thereby rejecting the Revision Application.

4. After arguing the Petition for quite sometime, Mr.Kadam, upon taking instructions from the Attorneys, states that the petitioner will not press this petition if six months time i.e. upto and inclusive of 20.4.2017 to vacate the suit premises is granted. He assures that :

- (i) The petitioner will pay the arrears of Rs.60 Lakhs covering the period from 21.6.2015 to 20.10.2016 on or before 31.12.2016.
- (ii) The petitioner will go on paying regularly Rs.7,50,000/- per month from 21.10.2016 till handing over of possession to the respondent on or before 20.4.2017.
- (iii) The petitioner will withdraw the suit filed in the Small Causes Court being Suit No.86/2015 unconditionally.
- (iv) The petitioner will hand over possession to the respondent No.1 on or before 20.4.2017.

5. In view thereof, notwithstanding not pressing the

Petition, the petitioner is given time to vacate the suit premises upto and inclusive of 20.4.2017 subject to the petitioner and all the adult family members residing in the suit premises giving usual undertaking incorporating therein:

- (i) that they are in actual possession of the suit premises and nobody else is in possession;
- (ii) that they have so far neither created third party interest nor parted with the possession of the suit premises;
- (iii) that they will hereafter neither create third party interest nor part with the possession of the suit premises;
- (iv) that they will pay the arrears of compensation to the respondent No.1 on or before 31.12.2016 and will go on regularly paying compensation @ Rs.7,50,000/- per month on and from 21.10.2016 till handing over possession of the suit premises;
- (v) they will withdraw the suit filed in the Small Causes Court being Suit No.86/2015 unconditionally within two weeks from today; and
- (v) that they will deliver vacant and peaceful possession of the suit premises to the respondent No.1 on or before 20.4.2017.

6. Undertaking to be filed within two weeks from today. Petition is disposed of accordingly. List the Petition for reporting compliance after three weeks.

(R. G. KETKAR, J.)