

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

**COMPANY APPEAL NO. 11 OF 2014
IN
CLB COMPANY PETITION NO. 85 OF 2010
WITH
COMPANY APPLICATION NO. 13 OF 2014
WITH
COMPANY APPLICATION NO. 82 OF 2014**

Anand Shelters, Developers and Builders
Pvt.Ltd. & Ors.

...Appellants

vs.

Sou.Sarita Sanjay Goyal & Ors.

....Respondents

ALONG WITH

**COMPANY APPEAL NO. 10 OF 2014
IN
CLB COMPANY PETITION NO. 85 OF 2010**

Sou.Sarita Sanjay Goyal & Ors.

...Appellants

vs.

Anand Shelters, Developers and Builders
Pvt.Ltd. & Ors.

....Respondents

Mr.Chirag Balsara with Satyan Israni and Ms.K.Ahuja I/b. Satyan Israni for
Appellant in Coapp 11/2014.

Mr.Vinit Mehta for Appellants in Coapp 10/2014.

Mr.Chetan Kapadia I/b. Ms.Shamika Ranade for Respondents.

CORAM : S.C. GUPTE, J.

17 NOVEMBER 2016

P.C. :

After the matter was heard at some length, the appeals are

disposed of, by consent of parties, in terms of the following order :

(I) The impugned order insofar as it cancels the agreement in favour of original Respondent Nos.4 to 19 with immediate effect stands.

(II) The amount paid by original Respondent Nos.4 to 19 towards the sale consideration forming part of these agreements in respect of 34 disputed flats shall be refunded to the Respondents with simple interest at the rate of 9% per annum with effect from the date of payment and until the date of actual payment.

(III) The Administrator already appointed in the matter shall conduct the sale of these 34 flats in a transparent manner in terms of para 50(c) and (d) of the impugned order.

(IV) It is needless to add that the Administrator appointed in the matter shall continue to act in accordance with the orders passed by the CLB.

(V) The parties will now be at liberty to apply for appropriate relief before the National Company Law Tribunal in respect of the Administrator's report.

(VI) All rights in respect of the report prepared by the Administrator in pursuance of para 50(e) of the impugned order are kept open.

(VII) No order as to costs.

(VIII) In view of the disposal of the appeals, the company applications do not survive and the same are also disposed of.

(S.C. Gupte, J.)