

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****NOTICE OF MOTION NO. 320 OF 2016****IN****SUIT NO. 101 OF 2016**

Omprakash Sultania

...Plaintiff

vs.

Housing Development & Infrastructure Ltd. (HDIL)

...Defendant

Mr. N.V. Bandiwadekar along with Mr. Sagar A. Mane and Mr. Saurabh S. Kurade, for the Plaintiff.

Mr. Satyen Vora along with Mr. Sahil Gandhi, instructed by M/s. Markand Gandhi & Co., for the Defendant.

CORAM: S.J. KATHAWALLA, J.**DATE : 8th FEBRUARY, 2016****P.C.**

Heard the Learned Advocates appearing for the parties and the following order is passed by consent:

(i) The Plaintiff shall on or before 20th February, 2016 pay an amount of Rs. 2,47,463/- to the Defendant, the break up of which is given as under:

(a) Balance Agreement Value	Rs. 50,000/-
(b) Other charges as per Clause 8 (A) of the Agreement dated 1st June, 2013 (Exhibit-S to the Plaint)	Rs. 91,410/-
(c) S. tax on other charges	Rs. 13,153/-
(d) Mahanagar Gas	Rs. 20,000/-

(e) S. Tax on Mahanagar gas	Rs. 2,900/-
(f) Interest on delayed payment, interest on Service Tax and VAT	Rs. 70,000/- =====
	Rs. 2,47,463/-

(ii) The Plaintiff shall on or before 20th February, 2016 also pay to the Defendant an amount of Rs.2,15,292/- towards 12 months advance maintenance charges together with a sum of Rs. 31,218/- towards Service Tax on maintenance charges.

(iii) Within 15 days of receiving the aforestated payments set out in clauses (i) and (ii) above, the Defendant shall handover possession of the suit flat to the Plaintiff for fit outs.

(iv) Upon payment of the aforestated amounts set out in clauses (i) and (ii) above, the parties shall have no claim against each other in respect of the suit flat.

(iv) Upon receipt of the occupation certificate, the Defendant shall provide car parking space to the Plaintiff in accordance with the allotment letter dated 21st June, 2013.

2. In view of the above order/directions, the Suit is disposed off. Refund of court fees, if any, as per Rules. Notice of Motion also stands disposed of.

(S.J. KATHAWALLA, J.)