

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 178 OF 2015**

Rose Co-operative Housing Society Ltd	...Petitioner
<i>Versus</i>	
Mehak Developers & Ors	...Respondents

None *for the Petitioner.*

CORAM: G.S. PATEL, J
DATED: 3rd July 2017

PC:-

1. None for the Petitioner.

2. In any case, there is a statement made in correspondence by the Respondents and which is to be found at pages 15-16. This is contained in the 1st Respondent's letter of 19th May 2013. It confirms that the 1st Respondent will honour its commitment to deliver possession to the Petitioner society of the society office, room/premises on obtaining an occupation certificate. It is true that in the order of which contempt is alleged there was no requirement of obtaining an occupation certificate, but I believe that requirement must be fairly read into that order of 8th April 2011 (AS Oka J). It can hardly be suggested that the Court would have permitted delivery of possession without a prior occupation certificate.

3. It is, therefore, sufficient to accept the undertaking by the 1st Respondent to deliver those office premises upon obtaining an occupation certificate, if that is not already done. That statement having been made in writing will have to be accepted.

4. The Contempt Petition is dismissed with these observations. There will be no order as to costs.

(G. S. PATEL, J.)