

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

ARBITRATION PETITION NO.346 OF 2017

Kanta Sabhachandani)....Petitioner

V/s.

Sarthak Developers & Ors.)....Respondents

Mr.Rohan Cama a/w Mr.Gaurav Mehta, Ms.Anooja Menon and Ms.Ritika Gadoya i/by Keystone Partners for the petitioner.

Mr.Mukesh Vashi, senior Advocate a/w Ms.Aparna Devkar and Ms.Meenakshi Adate i/by M.P.Vashi Associates for the respondent no.1.

Mr.Rupesh Mandhare i/by Sean Wassoodew for the respondent no.2.

Mr.R.Y.Sirsikar for respondent no.3-MCGM.

CORAM : K.R.SHRIRAM,J

DATE : 11.7.2017

P.C.:-

1 Mr.Vashi appearing for the respondent no.1 on instructions, states that due to new regulations NOC from Ministry of Environment and Forest is required for IOD/CC beyond 15 floors and that is still awaited. The construction has not been progressing at the speed at which respondent no.1 is expected to progress. Mr.Vashi assures and undertakes that as and when the building is constructed, a flat admeasuring 823 sq. feet carpet area that is due to the petitioner under Final Consent Agreement dated 30.1.2013 will be earmarked based on the allotment that the respondent no.2 will make. Mr.Vashi also states that as and when permissions are

received, respondent no.1 will be informing respondent no.2 as to how the construction will progress and the petitioner being member of respondent no.2 may collect the same from respondent no.2. Mr.Vashi also assures and undertakes that if there is any outstanding towards rent/brokerage and any other amount outstanding for the alternate accommodation, the same will be paid by 31.7.2017 and further assures and undertakes any further payment based on the Final Consent Agreement is concerned, will be paid on the due date unless prior leave of the Court is obtained. Petition accordingly, stands disposed.

2 All contentions of the parties are kept open to be agitated either in arbitration proceeding or in the suit.

(K.R.SHRIRAM,J)