

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 927 OF 2018
IN
WRIT PETITION NO. 12154 OF 2016

Shree Diamond Centre Premises Co-op,
Society Ltd.

...Applicant

Versus

M/s. New Dholera Shipping & Trading Co.
Ltd & ors.

...Respondents

Mr. R. D. Soni, a/w V. R. Kasle, I/b Meena Sharma, for the
Applicant.

Mr. Sanmish Gala, I/b Markand Gandhi & Co., for Respondent
no.1.

CORAM: M. S. SONAK, J

DATED: 18th December, 2018

PC:-

1. This is an application for extension of time to deposit the compensation amounts in terms of order dated 3rd May, 2017 made by this Court in Writ Petition No. 12154 of 2016.

2. Mr. Soni, the learned Counsel for the applicant points out that, three instalments of Rs.74,09,188.50 were deposited within the period prescribed. In so far as the fourth instalment is concerned there is delay. He explains that the delay was on account of there being 54 members in the society from whom these amounts had to be collected. Although, the explanation is not very satisfactory, considering the fact that large amount was deposited by the petitioner within the prescribed period, some indulgence can be shown to the petitioner. Accordingly,

the time limit for deposit of last instalment of Rs.74,09,188.50 is extended up to 11th January, 2019.

3. Besides, there are defaults in payment of monthly compensation assessed approximately at Rs.7,00,000/- for each month. The arrears have now run up to Rs.98,00,000/-. Mr. Soni seeks extension by further six months for clearance of such arrears. This civil application was made on 3rd March, 2018. This means that the petitioner have already got sufficient time. In any case, this is by way of last chance, extension is granted up to 31st March, 2019 for clearing these arrears of Rs.98,00,000/- as well.

4. It is made clear that in case of defaults in adhering to the time schedule now fixed or in case of any default in payment of the monthly compensation amounts, the interim orders which protect the petitioner shall stand vacated without any further reference to the Court.

5. Civil application is disposed of in the aforesaid terms.

[M. S. SONAK J.]