

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.242 OF 2017

CPI Gera Realty India Pvt. Ltd.	...Petitioner
Versus	
Ms Shobha Suryavanshi & Anr.	...Respondents

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Mr. D.J. Dalal for the Petitioner.
Mr. Anand Bhautik with Mr. P.B. Gujar for the Respondent No.1.
Mr. Pawan Patil with Mr. Shivram Naglin i/b. M/s. Triyama Legal for the Respondent No.2.

**CORAM : RANJIT MORE AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 26th JUNE, 2018.

P.C.:-

Heard. The contempt petition is filed alleging breach of order dated 16th March, 2017 passed by the Division Bench of this Court in Writ Petition No.3077 of 2017.

2. The relevant paragraphs of the said order reads as under :-

“6] After having heard both sides, we are of the view that since the matter is pending before the Hon'ble Minister and stay has been granted by the Minister to the order passed by the Divisional Joint Registrar, Pune, Developer cannot take objection for operation of the Bank Account of the said society. The Bank Account is to be operated by two authorized signatories viz. Chairman and Secretary of the Society. The operation of the Bank Account is therefore a matter between the Bank and the

Members of the Society and Developer cannot have any objection for operation of the Bank Account of the Society. We are not concerned with other disputes between the developer and the Society.

7] We therefore permit the Society of which the Petitioner is a Chief Promoter to operate the said Bank Account and the Society will spend money for day-to-day work of the Society from the said Account of the Society and the Society shall also maintain receipt for the same. The said Account of the Society shall remain operative till pendency of appeals before the Hon'ble Minister.”

3. The Petitioner is a developer. He is admittedly not a member of the said Society. Even the order dated 16th March, 2017 records that the Petitioner cannot take objection for operation of the Bank Account of the Society. The Petitioner has no locus and therefore, the Petition is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)