

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 148 OF 2018

KAYJAY CONSTRUCTION CO. PVT. LTD.,
REP. BY ITS M.D., HARESH DYARAM
KOTWANI.,

... Petitioner

Versus

VINOD TALERJA, REP. THR POA, NANDU
P. ASRANI AND 4 ORS.,

... Respondents

Adv. N. Amonkar with Adv. J. Karn for the Petitioner.
Adv. Vinoj K. Daniel for Respondent nos.1 To 5

Coram:- C. V. BHADANG, J.

Date:- 24th April 2019

P.C.:

The challenge in this petition is to the order dated 30/7/2018 passed by the Goa State Consumer Disputes Redressal Commission (Commission, for short) in Misc. Application nos.09/2018, No.10/2018, 11/2018, 12/2018 and 13/2018. By the impugned order, the petitioner/judgment debtor has been directed to execute a sale deed in respect of the suit flats. Incidentally the Commission has directed that the matter of failure of the petitioner to execute the sale deed and the question as to whether there is a willful, non compliance of the orders dated 23/1/2015 and 28/7/2017 should be tried as an offence under section 27 of the Act. The Commission has directed that substance of accusation be explained to the Managing Director

and in the meantime the said Managing Director has been directed to execute a personal bond in the sum of Rs.25,000/-.

2. The parties appears to have reached an amicable settlement in which, the petitioner is ready to execute the sale deeds as directed. The learned counsel for the petitioner submits that the earliest date which the parties could obtain from the office of the Registrar for registration of the sale deed is 10/5/2019. The learned counsel for the petitioner, on instructions, states that the petitioner shall positively execute the sale deeds as directed, on 10/5/2019. The statement is accepted.

3. The learned counsel for the respondent nos.1 to 5, on instructions, states that on execution of the sale deed, the respondent shall withdraw and shall not press the execution application nos.09/2018, No.10/2018, 11/2018, 12/2018 and 13/2018. The statement is accepted.

4. Subject to this, nothing survives in the petition, which is accordingly disposed off, with no order as to costs.

C. V. BHADANG, J.

ap/-