

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

WRIT PETITION NO.2163 OF 2016

Sariputta Pramod Sarnath

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

.....

Mr.Swaraj S. Jadhav, Advocate for the Petitioner.

Mr.Y.D. Patil, AGP for Respondent No.1 – State.

Mr.Dhananjay A. Athavale, Advocate for Respondent Nos.2 and 3.

.....

**CORAM : A.A. SAYED AND
PRAKASH D. NAIK, JJ.**

DATED : AUGUST 21, 2019.

P.C. :

Learned Counsel for the Petitioner has tendered an Affidavit-cum-Undertaking of the Petitioner of today's date i.e. 21st August, 2019, paragraphs 4 to 7 whereof read as follows:

“4 I state that out of the total amount of Rs.67,93,160/- I have already deposited an amount of Rs.5,00,000/- with CIDCO at the time of receiving the allotment letter, as per receipt at Exhibit C.

5 I state that during the course of proceedings before the Hon'ble Court Mr.Athawale, the Advocate representing CIDCO informed this Hon'ble Court that the flat in question has not been reallocated to

anyone and the Petitioner will be liable to Rs.1,09,62,046/- (including penalty for delay for payment and the interest thereupon) as due and payable on 20/10/2019.

- 6 *I hereby undertake to make full payment for the said flat as directed by Respondent No.2 and No.3, CIDCO, within a period of 2 months from today i.e. on or before 20/10/2019. The amount payable will be as mentioned in paragraph 5 or if CIDCO in writing agrees to a reduced amount such reduced amount.*
- 7 *I undertake not to ask for any further extension for the payment of the said amount. If the said amount is not paid within 2 months I shall lose any right over the said flat.”*

3 By consent of the learned Counsel for the parties, we accept the Undertaking of the Petitioner and dispose of the Petition.

(PRAKASH D. NAIK, J.)

(A.A. SAYED, J.)