

psv

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

COMMERCIAL ARBITRATION PETITION (L.) NO.345 OF 2019

Taksha Spaces Pvt. Ltd. ..Petitioner

Vs.

Goverdhangiri Co-op.Hsg.Soc.Ltd. & Anr. ..Respondents

Mr.Piyush Raheja with Mr.Chetan Yadav i/b. M/s.R.V. & Co. for
Petitioner.

Mr.Anoshak Daver with Mr.Bhavin Bhatia for Respondent No.1.

CORAM : G.S. KULKARNI, J.

DATE : 2nd APRIL, 2019

P.C.:

After this petition was heard for sometime, Mr.Davar, learned Counsel for respondent No.1 would not dispute that the bench of Hon'ble Mr. Justice S.C. Gupte is seized with the proceedings of the commercial contempt petition (l.) No.36 of 2017 (contempt petition No.34 of 2019) under which from time to time various orders have been passed.

2. A perusal of the order dated 1 March 2018 as passed in the said proceeding clearly indicates that construction of the project is being undertaken by the committee as directed to be constituted as per the said order.

3. Learned Counsel for the parties are agreeable that the issues as raised in the present petition would also require deliberation and consideration of the orders passed in the said contempt petition which is pending. Accordingly, liberty to the parties to approach the bench of Hon'ble Mr. Justice Gupte in the proceeding of Contempt Petition No.34 of 2019. This more particularly as so far the society has not formally invoked the bank guarantee in respect of which a relief is prayed in the present petition.

4. The petition is accordingly disposed of with liberty.

5. All contentions of the parties on merits of the matter are expressly kept open.

[G.S. KULKARNI, J.]