

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION**

NOTICE OF MOTION (L) NO.2259 OF 2018

IN

SUIT (L) NO.1319 OF 2018

Kamlesh Topandas Bharwani and Ors.Applicants/Plaintiffs

Vs.

Sterling Constructions and Ors.Defendants

Mr. Pradeep Thorat for applicants/plaintiffs.

Mr. Cyrus Ardeshir a/w. Ms. Nikita Panse I/b. Veritas Legal for defendant nos.1 to 3.

Mr. Sameer Khan, defendant no.3 present in person.

Mr. Tejesh Dande a/w. Mr. Vishal Navale I/b. Tejesh Dande and Associates for defendant no.4.

Mr. P.G. Lad for defendant no.5.

CORAM : K.R.SHRIRAM, J.

DATE : 8th JANUARY 2019

P.C.:

1 Mr. Thorat states that further to the order dated 4th January 2019, flat nos.6a and 6b have also been handed over. Mr. Thorat states that the four flats, viz., flat nos.6a, 6b, 6c and 6d, are handed over but they are unable to carry out the fit outs since there is no electricity supply to these flats.

2 Mr. Ardeshir, on instructions states that he has already applied to Adani Electricity Mumbai Limited on or about 15th October 2018 but Adani Electricity Mumbai Limited has not responded at all.

3 Adani Electricity Mumbai Limited to consider the application made by defendant no.1 and dispose the same within three weeks from

today.

4 Mr. Ardeshir states that defendant no.1 shall comply with all the requirements of Adani Electricity Mumbai Limited.

5 So far as the flats on the 7th floor are concerned, Mr. Lad states that the application for regularization is being considered and hopefully a decision will be taken within two weeks of receiving all the documents.

6 Mr. Ardeshir states that all documents have been submitted. Therefore, defendant no.5 shall, on or before 11th January 2019, inform defendant no.1 what further documents are required and if it is not so intimated, it will be presumed that all documents have been submitted.

7 Mr. Ardeshir states that after defendant no.5 regularizes the 7th floor, defendant no.5 will issue a CC (commencement certificate). Mr. Ardeshir, on instructions from defendant no.3, who is present in Court, states that within six weeks of receiving the CC, the flats on the 7th floor will be handed over completely in accordance with the agreement.

8 In view of the above, notice of motion stands disposed with liberty to apply. All parties to the suit shall co-operate.

9 Mr. Ardeshir states that defendant nos.1 to 3 will not create any third party rights on any of the flats on the 7th floor. Statement accepted.

10 All to act on authenticated copy of this order.

(K.R. SHRIRAM, J.)