

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

**CONTEMPT PETITION NO.54 OF 2018
WITH
NOTICE OF MOTION NO.1315 OF 2017
WITH
NOTICE OF MOTION NO.1558 OF 2018
WITH
NOTICE OF MOTION NO.1757 OF 2018
IN
SUIT NO.429 OF 2017**

Smita Akshay Vakil and Anr.Petitioners

Vs.

Toughcons City Homes Pvt. Ltd. and Ors.Respondents

Mr. Ishan Gambhir I/b. Dave and Company for petitioners.

Mr. Anil Mishra for respondent nos.1 and 2.

Ms. Aiman Warsi a/w. Mr. Dipen Furia I/b. Shah and Furia Associates for respondent no.3.

Mr. Arun Khanna and Mr. Shabbir Sheikh, respondents present.

Mr. Ajay Malvankar, Section Officer, representative of Court Receiver present.

CORAM : K.R.SHRIRAM, J.

DATE : 8th FEBRUARY 2019

P.C.:

CONTEMPT PETITION NO.54 OF 2018

1 Mr. Mishra states that directors of respondent no.1 are present in Court and one of them is respondent no.2. Mr. Mishra states that respondent nos.1 and 2 and the other directors have made a mistake and if they wanted to be relieved of the undertaking given to this Court, they should have moved the Court. At the same time, Mr. Mishra states that by an order dated 19th December 2017 the development agreement between respondent no.1 and respondent no.3 has been terminated. Mr. Mishra

states that respondent no.1 is out of the project and respondent no.1 or its directors or anyone through them will not come in the way of the project being developed by respondent no.3 through another contractor. Mr. Mishra, on instructions from respondent no.2 and Mr. Shabbir Sheikh states that they are willing to pay such donation as the Court may deem fit so that the matter is put to an end.

2 Respondent nos.1 and 2 and the other directors shall together give a donation of Rs.50,000/- to Mumbai Police Welfare Fund and this amount shall be paid within one week from today.

3 Stand over to 15th February 2019 for compliance.

4 Upon this amount being paid, respondent nos.1 and 2 will be considered to have purged the contempt and petition will stand disposed.

NOTICE OF MOTION NO.1558 OF 2018

1 Mr. Gambhir, counsel for applicants states that this notice of motion can be disposed.

2 Notice of motion disposed.

(K.R. SHRIRAM, J.)