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

COMMERCIAL ARBITRATION PETITION NO.252 OF 2019

We Ten CHS Ltd.	...	Petitioner
V/s.		
M/s Padmavati Associates and 7 ors	...	Respondents

Mr. V.S. Kapse i/by Chavan S. Rama Kumar, for the
Petitioner.

Mr. Kunal Chheda i/by Utangale & Co., for respondent
Nos. 1, 2 and 4 to 7.

CORAM : G. S. KULKARNI, J.

DATE : 4th July 2019.

P.C. :

1] This Court on 10th April, 2019 passed the following order:-

"1] Learned counsel for the applicant and learned counsel for respondent No.3.

2] Although Utangale and Co., has filed Vakalatnama on behalf of respondent Nos. 1, 2, 4, 5, 6 and 7, none appears for these respondents. Considering the apprehensions and the averments as made in the petition, respondents are directed not to create third party rights till the adjourned date of hearing in regard flat No.702, on the 7th floor of the building on plot admeasuring 605 sq. yards i.e. 506 sq. mtrs bearing survey No.313, Hissa No.3, corresponding City Survey No.4893, situate lying and being at Vidyanagari Marg, Kalina, Santacruz (East), Mumbai 400 098.

3] Stand over to 24.04.2019.

2] It is not in dispute that thereafter parties intended to work out the

formalities to obtain an Occupation certificate and accordingly on 13th June, 2019, this court has passed the following order.

- "1. Learned counsel for respondent nos. 1, 2 and 4 to 7, on instructions, submits that his clients are willing to approach the Municipal Corporation alongwith the petitioner, to complete the formalities obtaining an occupation certificate. Statement is accepted.
2. Within two weeks from today, the parties shall take appropriate steps and make a formal application to the Municipal Corporation.
3. Place this matter on 4 July 2019."

3] It is informed by the learned counsel for respondent that further steps would be taken in that direction and the Municipal Corporation would be approached for obtaining the occupation certificate.

4] As the respondents have already made a statement as recorded by this court that steps would be taken to obtain the occupation certificate, learned counsel for the petitioner would fairly submit that the petition can be disposed by keeping all the contentions of the parties open with liberty to file appropriate proceedings for the reliefs as and when need arises.

5] Statement made by learned counsel for respondent Nos. 1, 2 and 4 to 7, on instructions, in the order dated 13th June, 2019 stands accepted.

6] In the above circumstances, the petition is disposed of with liberty to file appropriate proceedings for the reliefs as and when need arises, by keeping open all contentions of the parties.

6] Needless to observe that the occupants of the petitioner society are

residing in their respective premises and as admittedly occupation certificate is not granted by the Municipal Corporation, in these circumstances the residents, members, representatives, agents or any other persons, those who occupying the premises shall do so at their own risk and consequences.

[G. S. KULKARNI, J]