

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

WRIT PETITION (L) NO.1980 OF 2019

Vidhi Realtors

..Petitioner

Versus

Collector, Mumbai Suburban District

Mumbai & Anr.

..Respondents

Mr. Rajiv Narulla i/by Jhangiani Narula & Associates, Advocate for the Petitioner.

Mr. Hemant Haryan, AGP for Respondent Nos.1 & 2 – State.

Mr. N. H. Seervai, Senior Advocate a/w Ms. Nupur Jalan i/by Mr. Anukul Seth, Advocates for Intervenors.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.

DATE : 22nd JANUARY, 2020

P.C.

1] The Petitioner has suffered a consent order in proceedings under RERA which fastens liability on it to pay different sums to seven persons totaling ₹ 4,01,99,245. The said sum is payable with stated rate of interest till date of payment.

2] The Petitioner being in default, execution proceedings commenced and in the same, premises occupied statedly as a licensee being 1st, 2nd, 3rd, and 4th floor of a building popularly known as Laxmi Palace, 76, Mathuradas Road, Kandivali (W), Mumbai-400067 came to be sealed.

3] Instant Writ Petition was filed praying for an interim relief

in the form of a direction issued that the premises be de-sealed.

4] On 3rd July 2019 while issuing notice to the Respondents returnable for 31st July 2019 noting aforesaid facts and that the payments were made by the flat purchasers on different dates between months of October 2013 till February 2016 ad-interim relief prayed for was declined.

5] The Petitioner marched to the Supreme Court and filed a Petition seeking Special Leave Petition against the refusal to de-seal the premises i.e. the order dated 3rd July 2019 was challenged. On 19th July 2019 the Supreme Court passed an order requiring the Petitioner to deposit ₹ 1,00,50,000/- (Rupees One Crore Fifty Thousand) on or before 29th July 2019 and it was directed that the seal would be removed.

6] Recording on 13th September 2019 that the deposit was made in terms of the order dated 29th July 2019, the Supreme Court directed the seal to be removed. The Supreme Court recorded the statement of the counsel for the Petitioner that further sum of ₹ 1,00,50,000/- (Rupees One Crore Fifty Thousand) will be deposited within four weeks.

7] The Petitioner has not complied with the said order in full, inasmuch as the Petitioner deposited further sum of ₹ 25,00,000/- (Rupees Twenty Five Lakhs).

8] In view of the fact that the premises have been de-sealed under orders of the Supreme Court, the Writ Petition has been rendered infructuous and needless to state whether upon the Petitioner not complying with the directions issued by the Supreme Court should or should not the premises be resealed would have to be decided by the Supreme Court and cannot be decided by this Court.

9] Thus, we terminate proceedings in the instant Writ Petition declaring that the same has been rendered infructuous.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE

Balaji
G.
Panchal

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by Balaji G.
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