

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION (L) NO. 3246 OF 2020
IN
CONTEMPT PETITION NO. 88 OF 2018
IN
CLAIM NO. 69 OF 2015**

Krishna Developers	...Petitioner
<i>Versus</i>	
Abhigna Enterprises & Ors	...Respondent

**Mr Zubin Behramkamdin, with Vyom Shah, Ms Manisha Virkhare,
Ms Archana Karmokar, i/b Divvy Shah Associates, for the
Petitioner/Applicant.**
Mr Rohaan Cama, for the Respondent.

**CORAM: G.S. PATEL, J
(Through Video Conference)
DATED: 4th December 2020**

PC:-

1. Heard through video conferencing.

2. In my view, this Contempt Petition can be disposed of by a short order. In arbitration the two sides entered into consent terms on 30th August 2015. They took a consent Award on 5th September 2015. This is not in dispute.

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3. According to Mr Behramkamdin for the Petitioners, the Respondents had certain obligations that were to be fulfilled by various dates in 2018. They failed to abide by these terms in the Consent Award and, hence, the Petitioners have filed this Contempt Petition alleging contempt of the Consent Award. They have also filed an Interim Application for interim relief.

4. Mr Behramkamdin confirms that the Petitioners have yet to file or are in the process of filing an execution proceedings. There has never been a post-Award Section 9 Petition filed by the Petitioners.

5. Mr Cama for the Respondents makes a statement on instructions that his clients are and have been willing to abide by the provisions of the Consent Award. As regards the question of applying for an occupation certificate for the development project in question, he makes a statement again on instructions that the Respondents will make that application by 30th April 2021. Both the statements are noted and accepted as undertakings to the Court.

6. Mr Behramkamdin states that he has instructions to state that the Petitioners have other claims including possibly in damages against the Respondents. Obviously those claims cannot be adjudicated either in a contempt proceeding or in an interim application arising from a contempt proceeding. The rival contentions are left open for any such appropriate proceedings that either side may adopt whether in this Court or before any statutory or regulatory authority.

7. The Contempt Petition and the Interim Application are disposed of in these terms. There will be no order as to costs.

8. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production of a digitally signed copy of this order.

(G. S. PATEL, J)