

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
ARBITRATION PETITION NO.271 OF 2021**

Salima Zafar Alam Taji and Ors.

....Petitioners

V/s.

M/s. Ashirwad Build Home Pvt. Ltd. & Anr.

....Respondents

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Mr. Mangesh Patel for petitioner.

Mr. Deepak Shukla i/b. M/s. Vinod Mistry and Co. for respondent no.1.

Mr. Prathmesh Seth i/b. Mr. Joseph Fernandes for respondent no.2.

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**CORAM : K.R.SHRIRAM, J.**

**DATED : 19<sup>th</sup> JULY 2021**

**P.C. :**

1            Mr. Shukla states that the amount of Rs.13,50,000/- has been paid to petitioners by remitting the amount to the account of respondent no.3 as per the details provided by petitioners' advocates. Mr. Shukla states that the proof of remittance will be sent to Mr. Patel during the course of today. Statement accepted as undertaking to this Court.

2            Mr. Shukla further states, on instructions from respondent no.1, that so far as future rent/other payments are concerned, respondent no.1 shall make all payments on the due dates and they shall not commit any further default. Mr. Shukla states that he is making this statement on instructions from Mr. Fahim Ibrahim Shaikh, the Director of respondent no.1, who also personally undertakes to comply with this undertaking given to this Court and further assures that he shall be personally liable to make all payments. This undertaking of Mr. Fahim Ibrahim Shaikh is accepted for

himself and on behalf of respondent no.1 and all Directors of the Board of Directors. Mr. Shukla further states that the construction is in full swing but due to COVID situation a bit slow but assures that the building construction will be completed and handed over as per the time frame indicated in the MahaRERA registration. All statements and undertakings of respondent no.1 are accepted.

3            In view of this statement, Mr. Patel states that the petition can be disposed and since there are no more disputes left, petitioner will not refer the dispute to arbitration. Mr. Shukla and Mr. Seth have no objection.

4            Petition accordingly stands disposed.

**(K.R. SHRIRAM, J.)**