

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 171 OF 2020
WITH
INTERIM APPLICATION NO. 552 OF 2020**

1. Jay Kumar Shyamsukha
2. Pankaj Ostwal
(Through the Power of Attory
holder Mr. Ashok Jain) ... Appellants/
Applicants

Versus
The State of Maharashtra and Ors. ... Respondents

Mr. Pradeep Sancheti, Senior Advocate a/w Saurabh Bachhawat,
Pulkit Sharma, Sarvesh Patil, Abhishek Adke i/b Abhishek Adke, for
the Appellants/Applicants.

Mr. S.S. Pednekar, APP for the Respondent – State.

Mr. Rahul Soman a/w Prateek Katewa i/b Shrikant Sonkawade, for
Respondent No.3.

**CORAM : REVATI MOHITE DERE &
V. G. BISHT, JJ.**

DATE : 24th JUNE 2022

P. C. :

Learned Senior Counsel for the appellants and learned
Counsel for Respondent No.3 have tendered the Consent Minutes of
the Order dated 24th June, 2022, duly signed by the Power of
Attorney holder of the appellants and by the respondent No.3. The
said Consent Minutes of the Order are taken on record and marked

REKHA
PRAKASH
PATIL

Digitally signed by
REKHA PRAKASH
PATIL
Date: 2022.06.29
18:56:16 +0530

Rekha Patil

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as “x” for identification. The same reads thus :

“ Consent Minutes of the Order

1. The Appellants have deposited the following amounts with the Competent Authority in relation to the sale/auction of properties situated at Village Post Vatika, Tehsil: Sanganer, District: Jaipur, Rajasthan:

Name	Date	Amount (Rs.)
Jay Kumar Shyamsukha (Appellant No.1)	29-08-2019	2,40,00,000/-
	29-08-2019	1,30,00,000/-
	30-08-2019	40,00,000/-
	30-08-2019	22,50,000/-
	31-08-2019	30,00,000/-
	07-09-2019	2,00,00,000/-
	07-09-2019	15,00,000/-
	16-09-2019	2,50,00,000/-
	15-10-2019	25,00,000/-
Total		9,52,50,000/-
Pankaj Ostwal (Appellant No.2)	05-10-2019	1,50,00,000/-
	05-10-2019	15,00,000/-
	07-10-2019	40,00,000/-
	14-10-2019	30,00,000/-
	15-10-2019	25,00,000/-
	15-10-2019	5,00,000/-
	19-10-2019	15,00,000/-
Total		2,80,00,000/-

2. The following properties form subject matter of the aforesaid auction:

Sr. No.	Khasra No.	Total Area (Hectare)	Shares of Mr. Ravindra Deshmukh, Director of M/s. Aaryarup Tourism Club Resorts Pvt. Ltd.	Land in the name of Mr. Ravindra Deshmukh, Director of M/s. Aaryarup Tourism Club Resorts Pvt. Ltd.
1	44	1.23	1/6	0.205 Hect.
2	45	11.50	7/24	3.3687 Hect.

3	596	4.19	Over all	4.19 Hect.
4	597	2.26	33/40	1.8645 Hect.
5	598	8.93	½	4.465 Hect.
6	599	2.29	Overall	2.29 Hect.
7	600	3.25	Overall	3.25 Hect.
8	871	8.33	1/3	2.776
Total Land		41.98		22.4042 Hect.

3. *The Respondent No. 3 undertakes that he shall deposit the entire aforesaid amount, with interest @ 9% p.a. from the date of Impugned Order i.e. 13th January, 2020 till the date of deposit, in this Hon'ble Court within a period of four (4) months i.e. on or before 24th October, 2022. This undertaking is accepted.*
4. *The Respondent No.3 further undertakes that in case he is able to sell the subject property referred to in paragraph nos. 1 and 2 above within the period of four months contemplated in paragraph 3 above, he shall deposit the entire amount as aforesaid (including interest) within two (2) days of execution of the sale documents/deeds. This undertaking is accepted.*
5. *The Respondent No.3 shall file a written undertaking on oath before this Hon'ble Court in relation to compliance of his obligation paragraphs 3 and 4 above, which is to be taken on record.*
6. *Sale certificate shall be issued by the Competent Authority in favour of Respondent No. 3, upon compliance of paragraph 5 above.*
7. *After compliance of the terms agreed herein, the Appellants, jointly and / or severally, shall have no claims whatsoever against the Respondent No. 3, arising out of the alleged Joint Venture Agreement dated 29th August 2019 executed between the Appellant No. 1 and Respondent No. 3, or otherwise. All claims of the Appellants whatsoever shall stand fully satisfied on the Respondent No. 3 complying with the terms contained herein.*
8. *Matter to be listed before this court on 24th October, 2022 for compliance and passing necessary directions for refund of amount deposited to the Appellants.*
9. *At that stage the request/application of the Respondent No. 3 for refund*

of interest (if any) on the sum deposited before the Competent Authority will be considered.

Dated this 24th day of June, 2022.”

2 Both the parties, i.e. the appellants as well as the respondent No.3 to comply with the respective undertakings given by them in the aforesaid Consent Minutes of the Order.

3 The Appeal is disposed of in terms of the Consent Minutes of the Order.

4 In view of disposal of Appeal, nothing survives in the Interim Application No.552 of 2020. The same stands disposed of accordingly.

5 Matter be listed on 21st October, 2022, for recording compliance of the undertaking given by the respondent No.3.

6 All concerned to act on the authenticated copy of this order.

V. G. BISHT, J.

REVATI MOHITE DERE, J.