

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6752 OF 2021

Shantee Homes Realty LLP & Ors.

.. Petitioners

Versus

Sunshine Green Park Bldg Nos. 2, 3 & 4 Co-op.

Housing Society Ltd & Anr.

.. Respondents

.....

- Ms. Simeen Shaikh a/w Ms. Priyanka Gharge i/by S.K. Shrivastav & Co for Petitioners
- Mr. Ashutosh Gole for Respondent No. 1
- Mr. C.D. Mali, AGP for State

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CORAM : MILIND N. JADHAV, J.

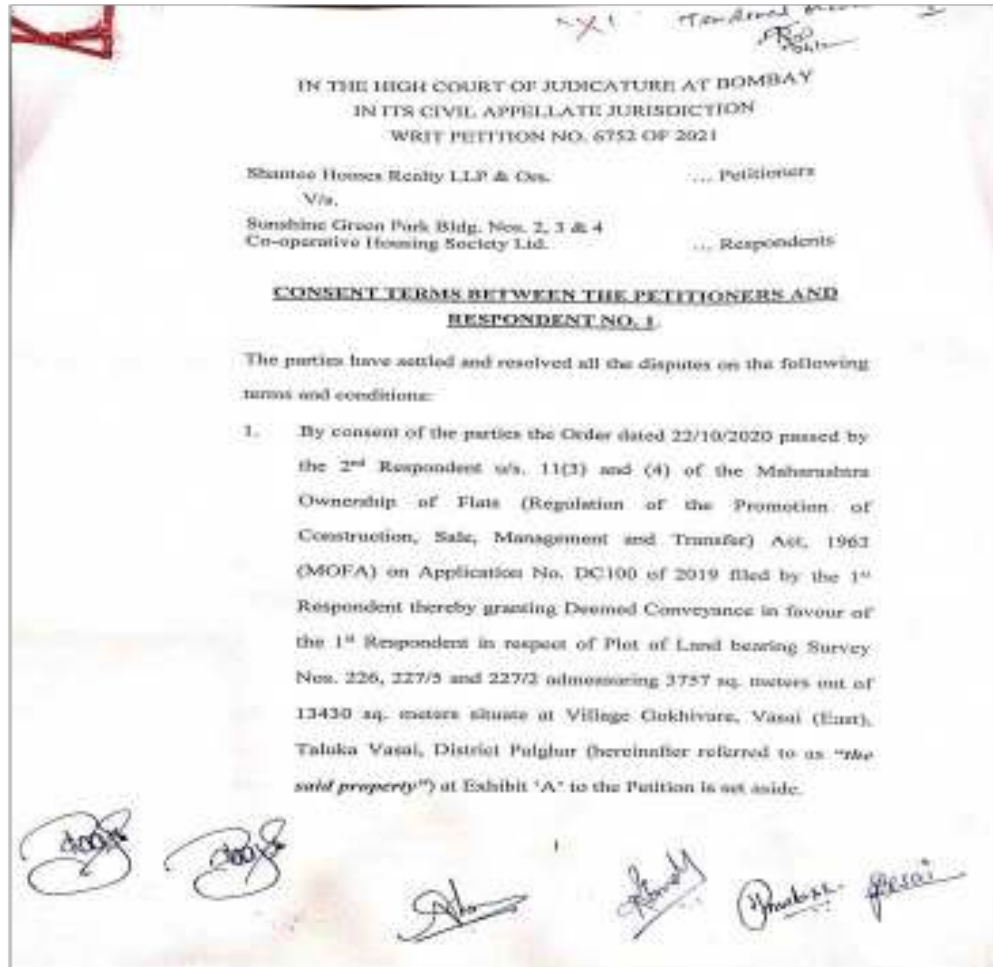
DATE : FEBRUARY 24, 2023

P.C.:

1. Heard Ms. Shaikh, learned Advocate for Petitioners; Mr. Gole, learned Advocate for Respondent No. 1 and Mr. Mali, learned AGP for State

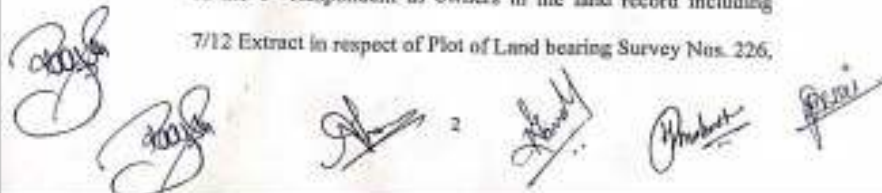
2. Learned Advocates appearing for the parties have submitted that the parties to the Petition have amicably arrived at a settlement and pursuant thereto, they have tendered Consent Terms dated 24.02.2023. The Consent Terms along with Annexures (Page Nos. 1 to 23) are taken on record and marked “X” for identification. The Consent Terms are signed by Petitioners, Respondent No. 1 as well as their respective Advocates. The undertakings recorded in the Consent Terms are accepted as undertaking given to this Court. For the sake of convenience, the Consent Terms excluding the annexures are

scanned and reproduced hereunder:-



2

2. Agreed and declared that pursuant to the Order dated 22/10/2020 passed by the 2nd Respondent at Exhibit 'A' to the Petition the 1st Respondent had registered Deemed Conveyance dated 09/03/2021 with the Sub-Registrar of Assurances at Vasai at Serial No. 3753/2021 in respect of Plot of Land bearing Survey Nos. 226, 227/5 and 227/2 admeasuring 3757 sq. meters out of 13430 sq. meters situate at Village Gokhivare, Vasai (East), Taluka Vasai, District Palghar together with Building Nos. 2, 3 and 4 of Sunshine Green Park Bldg. Nos. 2, 3 and 4 Co-operative Housing Society Ltd. stands cancelled.
3. Agreed and declared that the Petitioners and Respondent No. 1 shall within thirty days from the date hereof lodge and register the present Consent Terms and/or register Cancellation Deed to cancel and set aside the Deemed Conveyance dated 09/03/2021 registered by the 1st Respondent at Serial No. 3753/2021 in respect of the said property.
4. Respondent No. 1 undertakes to this Hon'ble Court to file appropriate Application before the Land Revenue authorities within one month from the date hereof for deletion of the name of the 1st Respondent as owners in the land record including 7/12 Extract in respect of Plot of Land bearing Survey Nos. 226,



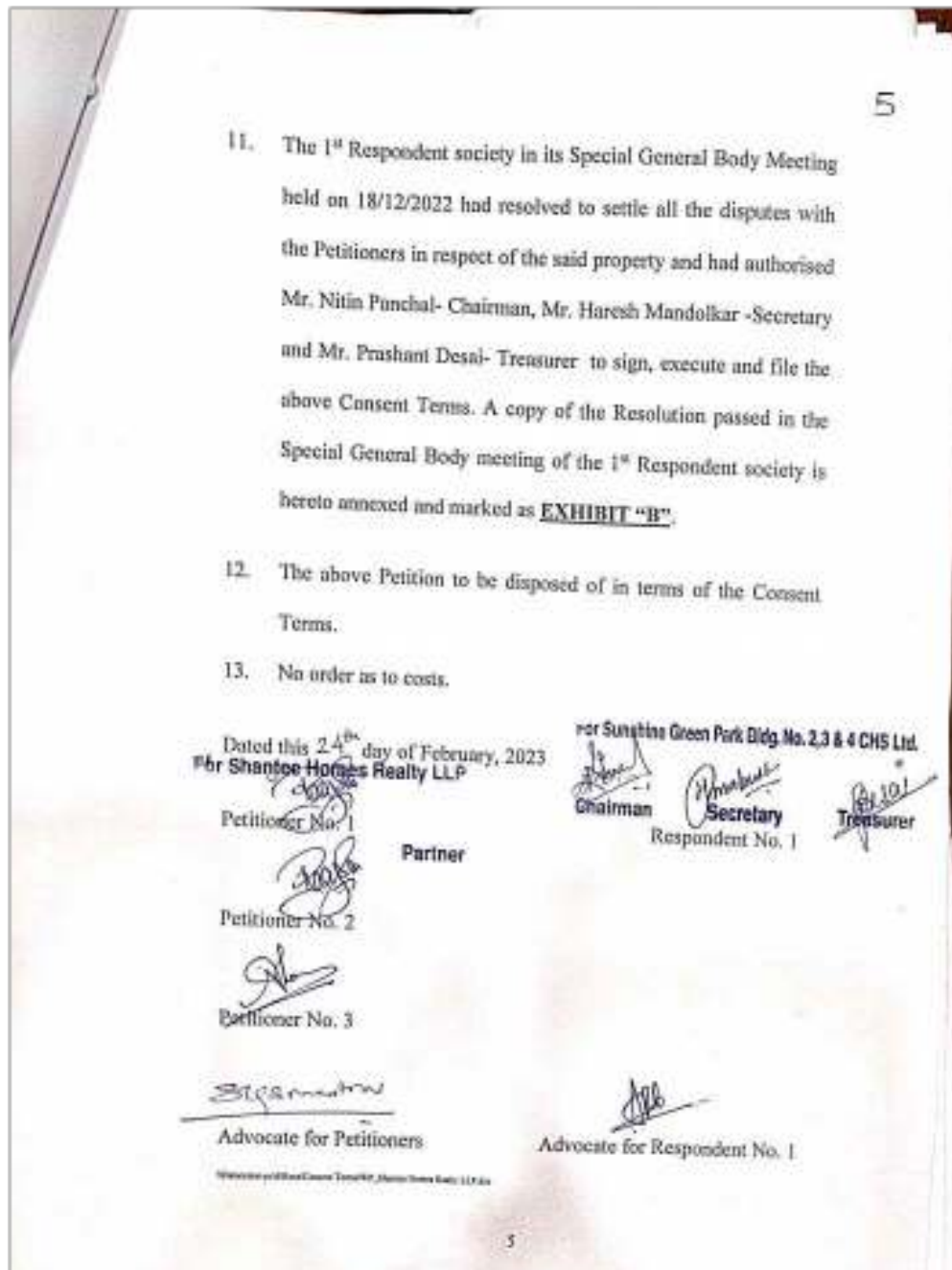
3

227/5 and 227/2 admeasuring 3757 sq. meters out of 13430 sq. meters situate at Village Gokhivare, Vasai (East), Taluka Vasai, District Palghar.

5. In view of the above settlement the Petitioners shall pay to 173 members of the 1st Respondent society more particularly described in Exhibit 'A' hereto a sum of Rs.1,30,000/- (Rupees One Lakh Thirty Thousand Only) each aggregating to Rs.2,24,90,000/- (Rupees Two Crores Twenty Four Lakhs Ninety Thousand Only) as under:
- i) 1st Instalment of Rs.26,000/- each to the said 173 members of the 1st Respondent on or before 28/02/2023;
 - ii) 2nd Instalment of Rs.26,000/- each to the said 173 members of the 1st Respondent on or before 26/04/2023;
 - iii) 3rd Instalment of Rs.26,000/- each to the said 173 members of the 1st Respondent on or before 30/05/2023;
 - iv) 4th Instalment of Rs.26,000/- each to the said 173 members of the 1st Respondent on or before 30/06/2023 and;
 - v) 5th Instalment of Rs.26,000/- each to the said 173 members of the 1st Respondent on or before 30/07/2023.

4

6. Agreed and declared that in the event of delay in making payment of the instalment as provided in Clause (5) above, the Petitioners shall pay interest on the outstanding amount @ 18% per annum.
7. The 1st Respondent undertakes to this Hon'ble Court to withdraw claim, if any, made by them and/or by their members before the Competent Authority, Assistant Collector (Rehabilitation), Mumbai-Ahmedabad High Speed Rail Corridor in respect of the said property.
8. The Respondent No. 1 undertakes to this Hon'ble Court not to make any claim for compensation in respect of the said property.
9. Agreed and declared that the 1st Respondent and/or its members are entitled to make any claim for compensation before the Competent Authority, Assistant Collector (Rehabilitation), Mumbai-Ahmedabad High Speed Rail Corridor in respect of their respective tenements/ premises in Sunshine Green Park Building Nos. 2, 3 and 4 Co-operative Housing Societies Ltd.,
10. The parties hereby withdraw allegations made against each other. The 1st Respondent society hereby declares that they do not have any other claim against the Petitioners.



3. In view of the Consent Terms, Writ Petition stands disposed.

[MILIND N. JADHAV, J.]