

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 3171 OF 2023**

Blue Planet CHSL & Ors ...Petitioners
Versus
State of Maharashtra & Ors ...Respondents

Ms Dhwani Mehta Desai, *with Sunain Masand, for the Petitioners.*
Mrs Uma Palsuledesai, AGP, *for State.*
Ms Punita Arora, *with Puneet Arora, Manish Kukreja & Richa Shukla, i/b M/s Arora & Co, for Respondents Nos. 3 to 5.*

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**CORAM G.S. Patel &
 Kamal Khata, JJ.**
DATED: 1st November 2023

PC:-

1. On 20th October 2023 we made an order for partial withdrawal by the Petitioners and partial refund by the Respondents. What remained to be noted was a direction in regard to the interest that has been earned on the deposit made by the developer, the 3rd Respondent.
2. Obviously, the interest will also have to be allowed to be withdrawn and refunded in proportion to the principal amounts that are being withdrawn and refunded respectively.

3. Our order also states that the refund application would be made by Ms Arora. On this basis, a hyper-technical approach is being taken by the Prothonotary and Senior Master that because of this only Ms Arora as an Advocate can apply for a withdrawal and not her client, the 3rd Respondent. The Prothonotary and Senior Master is not to split hairs continuously like this. It causes unnecessary inconvenience not only to the parties but also to the Court. It does not matter to us whether the application is made by Ms Arora or her client. It should not matter to the Prothonotary and Senior Master either. The withdrawal and the refund is to be effected without seeking further clarification no later than by 3rd November 2023.

(Kamal Khata, J)

(G. S. Patel, J)