

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

WRIT PETITION NO. 4814 OF 2023

Mrs. Shobha M. Sancheti
& Another

.. Petitioners.

Versus

The State of Maharashtra
& Others

.. Respondents

Adv. Mr. Saurav Katkar i/b. Adv. Shantanu Raktate, for the
Petitioners.

Adv. A. I. Patel, Addl. G. P. with Ms. Tananya Goswami, AGP for
Respondent Nos. 1 to 3 – State.

Adv. Mr. Swarup D. Patil, for Respondent Nos. 4 to 8.

Ms. Shobha Mukesh Sancheti, Petitioner No.1 is present in Court.
Ms. Mitali Sancheti, Petitioner No.2 appeared through V. C.
Mr. Kirtikumar Jain, Respondent No.5, Mr. Mangilal Punamiya,
Respondent No.6, Mr. Sanjay Dhoka, Respondent No.7 and Mr. Dhiraj
Kunkloll, Respondent No.8- partners of Respondent No.4- partnership
firm, are present in the Court.

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**

DATE: JULY 15, 2024

P. C.

1. The above Writ Petition is filed seeking a mandamus against
Respondent Nos. 2 & 3 to comply with the Order-cum-Directions of Warrant
bearing No. MahaRERA/AO/RW/210/2021 dated 21st December, 2021 issued

by the Maharashtra Real Estate and Regulatory Authority (MahaRERA), Pune.

2. In the above matter, initially, MahaRERA, Pune, by its Order dated 20th November, 2020 directed Respondent Nos. 4 to 8 to pay a sum of Rs.13,25,000/- to the Petitioners. Pursuant to the said Order, a Recovery Warrant dated 21st December, 2021 was issued by the Adjudicating Officer, MahaRERA, Pune. It is for implementation of this warrant, the present Writ Petition is filed.

3. When the above matter is called out, the parties have tendered consent minutes of the order dated 15th July, 2024. These consent minutes of the order record that the Petitioners have received the entire sum of Rs.13,25,000/- from Respondent Nos. 4 to 8, and in light thereof, the Recovery Warrant dated 21st December, 2021 issued by the Adjudicating Officer, MahaRERA, Pune as well as the order passed by Respondent No.3 dated 20th September, 2022, be set aside.

4. The consent minutes of the order, and which are really consent terms entered into between the parties, have been signed by Petitioner No.1 and Petitioner No.2 (both Petitioners). Petitioner No.1 is present in Court. Petitioner No.2 is present through V. C. Both the aforesaid Petitioners have

stated before the Court that they have signed the consent minutes of the order of their own free will and after reading and understanding the same as well as the implications thereof.

5. The consent minutes of the order are also signed by Respondent Nos. 4 to 8. Respondent No.4 is a partnership firm and Respondent Nos. 5 to 8 are its partners. On behalf of Respondent No.4-firm, the consent minutes of the order are signed by Respondent No.5. The consent minutes of the order are also signed by Respondent Nos.5, 6, 7 and 8. All the aforesaid Respondents are present in the Court today. They have stated that they have signed the consent minutes of the order of their own free will and after reading and understanding the same as well as the implications thereof.

6. The consent minutes of order are also signed by the Advocate for the Petitioners and Advocate for Respondent Nos. 4 to 8.

7. In these circumstances, the consent minutes of the order dated 15th July, 2024 are taken on record and marked 'X' for identification. There shall be an order in terms of the Consent Minutes of Order dated 15th July, 2024. In view of these Consent Minutes of Order, the Order-cum-Directions of Warrant bearing No. MahaRERA/AO/RW/210/2021 dated 21st December,

2021 as well as the orders passed by Respondent No.3 dated 20th September, 2022 are hereby quashed and set aside.

8. The Writ Petition is disposed of in the aforesaid terms. However, in the facts and circumstances of the case, there shall be no order as to costs.

9. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]