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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 628 OF 2022
WITH
COURT RECEIVER REPORT NO. 14 OF 2023
COURT RECEIVER REPORT NO. 19 OF 2024
IN
CONTEMPT PETITION NO. 628 OF 2022**

Shaikh Amjad Ali and AnotherPetitioners

Vs.

M. R. Builder and Developer and OrsRespondents

**WITH
INTERIM APPLICATION NO. 9882 OF 2024
IN
CONTEMPT PETITION NO. 628 OF 2022**

Mohammed Ali QureshiApplicant

IN THE MATTER BETWEEN

Shaikh Amjad Ali and AnotherPetitioners

Vs.

M. R. Builder and Developer and OrsRespondents

Mr. Nitesh Acharya Advocate for the Petitioner
Mr. Mohankumar K. Advocate i/b Mr. Gireesh U. G. Menon a/w Mr.
Mohammed Ali Qureshi for the contemnor-respondent no. 1
Ms. Charushila Vaidya 2nd Asst to Court Receiver

CORAM : GAURI GODSE, J.

DATE : 17th OCTOBER 2024.

ORDER:

1. Learned counsel for the contemnor has tendered an affidavit-cum-undertaking dated 17th October 2024. The undertaking states that the contemnor should be granted maximum 45 days to make payment of the balance consideration of Rs. 44,00,000/-. Undertaking is taken on record.
2. Learned counsel for the petitioners submits that even if the undertaking is accepted and the contemnor is granted time to purge the contempt, the same may be without prejudice to the petitioners' rights to claim interest in the appropriate proceedings.
3. Contemnor is present in the Court. I have personally explained the contemnor that in the event he commits breach of this undertaking, he would be held liable for an aggravated contempt without issuance of any fresh contempt notice. It is also explained to the contemnor that in the event he commits breach of this undertaking and fails to make payment within 45 days from today, he will be held guilty of committing breach of the undertaking given to this Court as accepted in the order dated 24th September 2021 and for breach of this undertaking tendered today.

4. Since the contemnor has submitted this undertaking, as he wants to purge the contempt, the undertaking is accepted and the contemnor is granted 45 days time from today to make payment of Rs. 44 Lakhs, as a last chance.

5. It is clarified that the petitioners would be at liberty to adopt appropriate proceedings as permissible in law for claiming interest on the delayed payment.

6. It is further clarified that the undertaking tendered today is accepted and the contemnor is given time only because he wants to purge the contempt.

7. List this petition on 5th December 2024. To be listed high on board.

[GAURI GODSE, J.]