

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL ARBITRATION PETITION NO. 18 of 2024

Subhash Nagar Srushti Co-operative .. Petitioner
Housing Society Ltd

Versus

Gadkari Builders and Associates .. Respondent

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Mr. Shailesh Shah, Sr. Advocate with Dibyojyoti, Anuj Athalye,
Ms. Gayatri Mane i/b Legasis Partners for the petitioner.
Ms. Zia and Mr. Hrushikesh Shinde i/b Manoj Harit & Co. for the
respondent.

CORAM: BHARATI DANGRE, J.

DATED : 17th APRIL, 2024

P.C:-

1 The affidavit dated 12/2/2024 filed by the respondent, contain a specific statement in paragraph no.5.13, to the effect that the respondent is taking all steps to complete the project and it shall be completed before December 2024 and the Society members will be put in possession of their respective flats.

 The learned counsel Mr. Shah, representing the members of the Society express satisfaction on this count, but once again reiterate the grievance that the developer is in arrears of rent, and though the members of the Society do not expect the entire amount to be paid, some amount is their only expectation.

2 Accepting the statement contained in paragraph no.5.13 of the affidavit to be an undertaking to the Court, the respondent shall complete the project before December 2024 and put the members in possession of the flats in the new building. However, I expect that the developer shall make some payment of the transit rent due and payable to the members, as it is informed that from July 2017 onwards, the transit rent is not received by the members.

 Though the proxy counsel dispute this date, definitely, he do not dispute that they are in arrears of rent.

 Since the learned counsel for the petitioner raise a serious dispute about the amount, which is due and payable and also the monthly rent which is payable as on date, let a statement come from both the counsel which shall contain the following :-

- (i) The arrears of rent payable uptill the receipt of Occupation Certificate.
- (ii) The monthly rents payable as per the Development Agreement including enhancement, if any.

 Re-notify to 25/4/2024. To be listed High On Board.

(SMT. BHARATI DANGRE, J.)