

Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 656 OF 2024

Mohamed Riyaz Shaikh & Ors ...Petitioners
Versus
The Chief Officer, Mumbai Building Repairs and ...Respondents
Reconstruction Board & Ors

WITH
WRIT PETITION NO. 2168 OF 2024

Abdeali Kanchwalla & Ors ...Petitioners
Versus
The Chief Officer, Mumbai Building Repairs and ...Respondents
Reconstruction Board & Ors

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**Mr Mayur Khandeparkar, (Online), Aneesa Cheema, Zulfiqar
Jarimala & Shabbir Jarimala, i/b Jarimala & Associates, for the
Petitioner.**

**Mr Arshad Shaikh, Senior Advocate, i/b Abdul Bari Ansari &
Pooja Shah in both WPs**

**Mrs Jyoti Chavan, Addl GP, for the Respondent-State in
WP/656/2021.**

**Ms Sayli Apte, with PG Lad for Respondents Nos 1 to 3 in
WP/656/2024.**

**Mr Zulfiqar Jarimala, with Shabbir Jarimala, i/b Jarimala &
Associates, for the Petitioner in WP/2168/2024.**

Mr Akshay Patkar, AGP, for the Respondent-State.

**CORAM G.S. Patel &
 Kamal Khata, JJ.**

DATED: 19th April 2024

PC:-

1. On the last occasion, 22nd March 2024, although we were told by Mr Shaikh on instructions that the entire amount of arrears will be cleared by 15th April 2024, we find that only 50% of the amount has been cleared.

2. But at least 50% has been cleared. Mr Shaikh states that post-dated cheques dated 31st May 2024 have been given and these may be treated both as security for the payment online and for the balance 50%. Respondents Nos 4 and 5 will file an undertaking in any event affirmed before an Associate of this Court that the post-dated cheques, if required to be presented (i.e., if the online payment is not made on or before by 5 pm on 31st May 2024) will be honoured on presentment. That undertaking is accepted as an undertaking to the Court.

3. By 31st May 2024, the transit rent for the months of April and May 2024 are also required to be paid irrespective of whether the post-dated cheques have been issued for those two months or not. There is no question of these payments being made “in due course”. Nobody knows what that is supposed to mean, if anything.

Writ Petition No. 2168 of 2024:

4. Mr Jariwala states that this is on a similar footing of Writ Petition No 656 of 2024. The Petitioners have not been paid the transit rent for three years. Those arrears are also to be cleared by 31st May 2024. The undertaking in question will cover all these payments.

5. For today, we record our understanding of Mr Shaikh's submission that by 31st May 2024 all arrears in both matters will be cleared in full.

6. List the matters on 11th June 2024.

(Kamal Khata, J)

(G. S. Patel, J)