

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COURT RECEIVER'S REPORT NO.96 OF 2024

IN

SUIT NO.933 OF 2016

Moushami Amit Bajaj & Ors.

... Plaintiffs

Vs.

Kamalahshri Builders & Ors.

... Defendants

Mr. Malcolm Siganporia a/w P. Jani for the Plaintiffs.

Mr. Mayuresh Ingale for Defendant Nos. 7 to 13.

Mr. Aadil Parsurampururia a/w Ameya Khot i/by M/s. Legal Vision for Defendant
Nos.14, 16 and 17.

Mr. B. R. Zaveri for Defendant No. 15.

Mr. N. C. Pawar, OSD, Court Receiver is present.

CORAM : ARIF S. DOCTOR, J.

DATE : 8TH OCTOBER 2024

P.C. :

1. Mr. Siganporia, Learned Senior Counsel appearing on behalf of the Plaintiffs, who are 37 flat purchasers, invites my attention to the order dated 25th November 2016 by which this Court had *inter alia* appointed the Court Receiver and also specifically ordered and directed that the costs of the further construction shall be borne by the Defendants/Developers. It is the grievance today that the Defendant No.1/Developer is not contributing to the construction

of the said building and therefore the building is still a bare shell. Learned Counsel therefore submits that given the subsisting obligations of the Developers, the presence of the Developers would be essential.

2. Mr. Parsurampururia appears on behalf of Defendant Nos.14, 16 and 17 and supports the Plaintiffs.

3. Mr. Zaveri appears on behalf of Defendant No.15 and submits that the Plaintiffs are excluding Defendant No.15 from all negotiations and meetings. Given the fact that there is an order which specifically directed the Defendants/Developers to bear the costs of construction, which is being submitted, in my view, is in breach and sufficient cause has been made out. Hence, issue notice to Defendant Nos.1 to 6, returnable on 21st October 2024.

4. At this stage, the Court Receiver has pointed out that the flat purchasers, by the very same order, directed to deposit their balance consideration amount with the Court Receiver, but the same has not been done. It is made clear that all those flat purchases, who have not made payment of balance consideration, shall done so before the next date.

(ARIF S. DOCTOR, J.)