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W.M.P.No.35926 of 2023 in
W.P.No.28375 of 2022

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THE HON'BLE CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.

(Order of the Court was made by the Hon'ble Chief Justice)

The present application is filed seeking direction against the third respondent to grant Partial Completion Certificate to the petitioner for the blocks enumerated in the prayer clause.

2. This Court, on 01.09.2023, passed an interim order as under:

"(i) the petitioner shall pay the entire demanded amount of Rs.13,85,00,000.00 by way of depositing a sum of Rs.5,83,04,171.65 within two weeks from the date of receipt of a copy of this order and by way of furnishing immovable security (including third party security) for the remaining amount of Rs.8,01,95,828.35, within two weeks from the date of deposit.

(ii) If any default committed by the petitioner in complying the above said conditions, the modifying order passed by this court shall automatically be



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cancelled, without any reference to this Court.

On such compliance of the above conditional order made by the petitioner, the third respondent is directed to issue necessary completion certificate. The above order shall be subject to the result of the writ petition."

3. Under the said interim order, the applicant was directed to deposit Rs.5,83,04,171.65 and was further directed to furnish immovable security, including third party security, for the remaining amount of Rs.8,01,95,828.35 within two weeks.

4. Learned Senior Counsel for the applicant submits that the applicant has deposited Rs.5,83,04,171.65 with the third respondent and had also offered security of immovable property. But, the third respondent is not accepting the same.

5. Learned Advocate General appears for the third respondent and submits that there is no provision for accepting the immovable property as security.



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6. The interim order is passed by this Court after hearing the parties. The parties are bound by the interim order. Now, one of the parties cannot be heard to say that there is no provision for accepting the immovable property as security.

7. The third respondent shall accept the immovable property worth about Rs.8,01,95,828.35 as security. Of course, the said immovable property should be free from all encumbrances.

8. On compliance of the same, the third respondent shall, as already directed by the interim order dated 01.09.2023, issue necessary completion certificate within two weeks from today.

9. The application is disposed of.

(S.V.G., CJ.)

(D.B.C.,J.)

03.01.2024

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