

Kavita S.J.

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

SUIT NO. 148 OF 2024

Sameera Swapan Biswas

...Plaintiff

Versus

Saroj Sorab Engineer & Ors.,

...Defendants

Ms. Alisha Lambay a/w Mr. Rameez Khan & Ms. Safa Diwan i/b
Lambay & Co. for the Plaintiff.

Mr. Ankit Lohia a/w Mr. Kshitij Madekar, Mr. Murari Madekar, Mr.
Sachin Kudalkar i/b M/s Madekar & Co. for the Defendant Nos.1 & 2.

CORAM : R.I. CHAGLA J.

DATED : 22nd AUGUST, 2025.

ORDER :

1. The parties to the above Suit had appointed a Mediator by consent being Mr. Cyrus Ardeshir, Senior Advocate of this Court. The Mediator had made an attempt to resolve the disputes between the parties. Mediation Report dated 22nd May, 2025 had been filed which annexed Exhibit-A & Exhibit-B viz. Minutes of Orders entered into between the parties during mediation and by which they had settled their dispute.

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2. However, there still remains a tax issue, as to whether the Deed of Release between the Plaintiff on the one hand and the Trust - Defendant No.2 on the other hand would attract withholding tax under the provision of Section 195 of Income Tax Act or other applicable provisions.

3. Accordingly, Mr. Cyrus Ardeshir, Senior Advocate of this Court is requested to once again take up mediation with an attempt to resolve any remaining dispute between the parties to give effect to the two Minutes of Order entered into between the parties during the first round of mediation by which the parties settled their dispute.

4. The appointed Mediator shall take the opinion of Mr. Percy Pardiwala, Senior Advocate of this Court and / or any other person who he may deem fit for providing assistance with regard to the aforementioned tax issue.

5. The Mediator is requested to conclude the mediation, within a period of two weeks from his accepting appointment.

6. Mr. Lohia, learned Counsel appearing for the Defendant Nos. 1, 2 and 3 states that the monies are available for making payment to the Plaintiff as per the two Minutes of Order. He has

sought for extension of time for making the payment in view of this order.

7. Accordingly, extension of time is granted for making payment to the Plaintiff by Defendant Nos. 1, 2 and 3 as per the two Minutes of Order.

8. The disposed of Suit shall be placed for filing of the Mediator's Report on 8th September, 2025 and be shown under the caption 'for compliance'.

[R.I. CHAGLA, J.]