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

ARBITRATION PETITION NO. 32 OF 2025

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KAMLESH
TALEKAR

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Mitul Dhiraj Shah & Anr.

... Petitioners

Vs

ZEE Infra Projects Private Limited
& Anr.

.. Respondents

Mr. Rubin Vakil *a/w Tatsat Gor i/b Shyam K. Singh, for Petitioners.*

Mr. Jugal Haria *i/b Rajesh S. Sharma and Associates, for Respondent No. 1.*

Mr. Swapnil Sandim, *for Respondent No. 2.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : June 11, 2025

P. C.

1. This is a Petition under Section 9 of the Arbitration and Conciliation Act, 1996 (“*the Act*”).

2. Having heard the parties, it is evident that the possession of the redeveloped premises is yet to be handed over to the Petitioners, whose mother had vacated the premises that went into a redevelopment. The occupation certificate is said to have been received way back on September 9, 2021.

3. Learned Counsel for Respondent No. 1-Developer submits that he would be willing to hand over the possession only to a Court Receiver because he has instituted a suit for recovery of damages for the delay in the mother of the Petitioners having handed over the premises.

4. This proposition is totally unacceptable. If a suit has been instituted by the Developer, it is for the Developer to seek appropriate reliefs in that suit. Not handing over the redeveloped premises amounts to granting oneself a relief of attachment before a future potential judgement and that too on a claim for damages.

5. In these circumstances, considering that there has been an inordinate delay in handing over the premises despite the occupation certificate having been received way back in September 2021, it was put to the Learned Counsel for Respondent No. 1-Developer as to the deadline by which he would be willing to hand over the premises. In response, he would submit that he would hand over the premises within 15 days.

6. Consequently, the possession of the premises shall be handed over no later than **June 25, 2025**, at 12:00 noon, with the requisite documents to demonstrate title being executed.

7. Needless to say, all this would be subject to outcome in the suit, should the Respondent No. 1-Developer prosecute the same. Learned Counsel for Respondent No. 1-Developer also submits that he would not be responsible for any succession related disputes and any claims made in relation to the estate of Ms. Bharti Shah, the mother of the Petitioners. Learned Counsel for the Petitioners submits that they would protect Respondent No. 1-Developer from any liability or costs arising from any claims from any third-party whatsoever in this regard. Taking these statements on record as undertakings given to the Court, it is directed that possession of the redeveloped premises attributable to the premises owned by Ms. Bharti Shah shall be handed over to the Petitioners no later than ***June 25, 2025***.

8. This order has been dictated in open Court and any delay in the upload of this order shall not come in the way of the obligation to comply with these directions.

9. Each party is at liberty to pursue its respective rights as available in law. Handing over of the possession shall not discharge any dues that may be claimed by either party against the other in such proceedings as they are advised to initiate.

10. The Petition is *finally disposed of* in the aforesaid terms. List on *June 26, 2025* under the caption “*For Reporting Compliance*”.
11. All actions required to be taken pursuant to this order, shall be taken upon receipt of a downloaded copy as available on this Court’s website.

[SOMASEKHAR SUNDARESAN, J.]