

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO. 407 OF 2024**

Juhu Tara Co-operative Housing Society Ltd. ...Petitioner

Versus

Shree Sai Sagar Consultants & Anr ...Respondents

**Mr. Aurup Dasgupta, a/w Sonam Ghiya, i/b Auroma Law, for the
Petitioner.**

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 16, 2025

PC :

1. It is evident from the record that on three different occasions, this Petition has been served on the Respondents, but none of them appeared. However, apart from one other occasion when the matter was listed and did not get called out due to paucity of time, this Petition has come up for the first time today.

2. In these circumstances, the Registry is directed to issue a notice to the Respondents, who the Petitioner claims, has abandoned the development project initiated pursuant to Agreement dated November 21, 2009.

3. Learned Counsel for the Petitioner submits that 15 members of the Petitioner-Society had vacated their flats more than a decade and

half ago and the project has been stalled with no work being carried out. According to him the property is barricaded and evidently there has been no work being carried out.

4. In these circumstances, it would be appropriate to direct the Court Receiver to visit the property to inspect the same and file a report to confirm if it is abandoned and merely barricaded, with no work being carried out at the site. Advocates for the Petitioner shall provide all assistance to the Court Receiver enabling inspection of the property to discharge his duty as directed in this order. Stand over to ***February 13, 2025***.

5. Needless to say, the Court Receiver shall be entitled to police assistance from the local Police Station should that become necessary to visit the premises to conduct an inspection and to file a report to enable the further consideration of this Petition.

6. 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.**]