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

**CONTEMPT PETITION NO.11 OF 2024
WITH
NOTICE OF MOTION NO.1548 OF 2018
IN
COMMERCIAL SUIT NO.899 OF 2018**

Ashok Kumar Damani

... Petitioner

v/s.

Yashashree Construction Co.

... Respondent

**WITH
INTERIM APPLICATION (L) NO.26104 OF 2022
IN
NOTICE OF MOTION NO.1548 OF 2018**

Mr. Farhan Khan a/w Mr. Rubin Vakil, Ms. Heena T and Mr. Dhaval Poriya i/by Vimadalal & Co. for the Petitioner.

Mr. Rohit Gaikwad i/by Ms. Komal Punjabi for the Respondent No.2-BMC.

Mr. Nitesh Agarwal for Respondent Nos.4, 6, 7 and 8.

CORAM : KAMAL KHATA, J.

DATED : 17TH OCTOBER 2025.

P.C. :

1. The learned Advocate for the Respondent Nos.4, 6, 7 and 8 submits that for the reasons beyond their control, the

Respondents were unable to make the payment as contemplated in clause 13 of the Draft Minutes of the Order dated 29th September 2025. On instructions, he seeks modification of the said Minutes to extend the due date of the installment from 15th October 2025 to 30th October 2025. He further submits that, to demonstrate their bona fides, the Respondents have already made payment of Rs.90 lakhs.

2. In view thereof, the learned Advocate seeks modification of the earlier order accordingly.

3. On the other hand, the learned Advocate for the Petitioner submits that the Respondents have repeatedly breached the directions of this Court. He contends that is no justification to grant any further indulgence, as the Respondents have been afforded multiple opportunities which they have misused only to delay compliance. He points out that even on the last occasion, time was extended up to 15th October 2025 as a final opportunity, which too has been breached. He therefore prays for enforcement of the reliefs contained in Clause 14 of the Draft Minutes of Order dated 29th September 2025.

4. Having considered both the rival submissions, I find that the Respondents have been granted more than adequate opportunities to make the requisite payments. Having failed to do so even within

the extended time and having themselves sought liberty to pay by 15th October 2025, there is no ground now to further modify the order or extend time upto 30th October 2025.

5. In view of the above, I pass the following order:-

(i) The sale transactions in respect of Flat Nos.401, 601, 701, 1101, 1201 and 1301 (as per table in paragraph 2(c) of the Consent Terms dated 11-08-2025) shall stand declared void and cancelled, without reference to this Hon'ble Court or any further orders being required.

(ii) In such eventuality, the Prothonotary and Senior Master of this Hon'ble Court is directed to forward the copy of the present Order to the concerned Sub-Registrar of Assurances to note the cancellation of the said sale transactions in respect of Flat Nos.401, 601, 701, 1101, 1201 and 1301 in the relevant records without the requirement for any deed of cancellation.

(iii) In addition to above, the Court Receiver, High Court, Bombay shall stand appointed as the Receiver in respect of the said Flat Nos.401, 601, 701, 1101, 1201 and 1301 with all the powers under Order XI Rule 1 of the Civil Procedure Code, 1908 and with a direction to take physical possession and with a further direction to sell the said flats by way of

public auction/private treaty.

(iv) the sale proceeds from the sale of the said flats shall first be appropriated towards the costs of the Receiver, thereafter towards the outstanding dues payable by Respondent Nos.4, 7 and 8 under the Consent Terms and thereafter balance if any, shall be paid over to Respondent Nos.4, 7 and 8, shall stand enforced forthwith.

6. The learned Advocate for the Petitioner also submits that despite specific orders of this Court, the Respondents No.4,6,7 and 8 have neither responded to the show-cause notice nor remained present in Court today, and there is no order permitting their absence.

7. This issue can be taken up at the next date of hearing.

8. List the matter on 11th November 2025 under the caption 'for directions'.

(KAMAL KHATA, J.)