

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL ARBITRATION APPLICATION NO.116 OF 2025

Unity Small Finance Bank Ltd.

...Applicant

Versus

Landmark Homez & Ors.

...Respondents

Mr. Vishal Maheshwari a/w. *Mr. Mihir Beradia i/b. VM Legal, Advocates for Applicant.*

Mr. Aditya Pimple a/w. *P. Mishra, Advocate for Respondent Nos.1 to 4.*

Mr. Saurabh Butala, *Advocate for Respondent No.5.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : FEBRUARY 28, 2025

PC :

1. By an order dated January 14, 2025 the Respondents were given time to demonstrate that the security given by Respondent Nos. 1 to 4 to the Petitioner is not in jeopardy and to appraise the Court about the details of the arrangement that they are working on to resolve their *inter se* disputes. The matter was stood over to January 30, 2025 and thereafter the matter had been listed on a couple of occasions, but could not be called out due to paucity of time.

2. Today, the matter has been listed upon the praecipe being circulated by the Petitioner to bring on record certain developments since the last order. It is seen from the photographs tendered by the Petitioner that intense activity is being carried out in the suit premises

in the teeth of the order directing the Respondents to maintain *status quo* as obtaining on January 14, 2025.

3. Learned Counsel who has entered appearance on behalf of Respondent No.5 submits that he has just received information about work only now, and he shall instruct his client not to breach the order dated January 14, 2025. Learned Counsel for Respondent No.5 shall forthwith intimate his clients that all such activities have to stop and report to the Court at 2.30 p.m. today. Appropriate orders including appointment of the Court Receiver to save the premises shall be considered at 2.30 p.m.

At 2:30 PM:

1. At 2.30 p.m., Learned Counsel for Respondent No.5 has appeared in Court and tendered an unconditional apology on behalf of his client. On instructions, he undertakes to the Court that the activities that were being carried out will cease forthwith and there shall be no violation of the *status quo* order.

2. Let Respondent No.5 file a reply to the main Petition and a separate reply showing cause as to why action for contempt should not lie against Respondent No.5. Such reply shall be filed no later than ***March 7, 2025*** whereas a reply showing cause as to why contempt proceedings should not be initiated, shall be filed no later than ***March 4, 2025***.

3. With the aforesaid directions, taking on board the apology tendered on behalf of Respondent No.5, Respondent No.5 is directed not to take any further action and to ensure that the premises are kept locked until the next date. Should there be a violation of this direction,

the Court would not hesitate to remove whoever and whatever is found in the premises and take charge of the property and keep it in the custody of the Court Receiver.

4. Needless to say, the *status quo* shall continue, but until the next date no activity whatsoever shall be carried out in the said premises.

5. Learned Counsel for Respondent No.5 also states that all the goods that have been brought into the premises shall be removed during the course of the day and the premises shall be locked.

6. Reply of Respondent No.1 is taken on record, same shall be e-filed within a period of one week from the date on which this order is uploaded on the website of this Court.

7. List on ***March 10, 2025***.

8. 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.**]