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

**INTERIM APPLICATION NO. 129 OF 2025
IN
COMM. ARBITRATION PETITION (L) NO. 30508 OF 2023**

Rajesh Gorwani ...Applicant

In the matter of :
Join Trak Infra Private Limited and Anr. ...Petitioners

Versus

Rajesh Gorwani and Ors. ...Respondents

Mr. Rishabh Murali a/w Ms. Aaushi Doshi, Ms. Diksha Tripathi and
Ms. Isha Palas i/b India Law LLP for the Applicant.

Mr. Prakash Shah, Senior Counsel a/w Mr. Durgaprasad Poojari i/b
PDS Legal for the Petitioners.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : MARCH 27, 2025

PC :

1. Learned Senior Counsel on behalf of the Petitioners/ Developers submits that the PAAA draft has been approved by the society and a draft identical to the terms executed with all parties, as applied to the Applicant, will be executed on ***April 9, 2025*** at 11.00 a.m. Learned Counsel for the Applicant commits to pay the outstanding arrears claimed by the society in the sum of Rs.81,813/- by a cheque issued by the Applicant who is present in the Court and handed over to advocates for the Developer.

2. Learned Counsel for the Society states that the Society has paid incurred legal costs and out of pocket expenses in connection with defending the proceedings initiated by the Applicant in the sum of Rs.17,32,046/- and that this should be deposited.

3. The Court is not inclined to enter upon ascertaining veracity and accuracy of these amounts in the Section 9 jurisdiction. Consequently, the parties shall be at liberty to take up such proceedings in accordance with law to ascertain their respective financial claims against one another. Since the amount is said to be owed to the Society along with interest is being paid today in the sum of Rs.81,813/-, even if that is without prejudice to ascertaining the accuracy of the same, there should be no further impediment to execution of the PAAA on April 9, 2025, which essentially is vital for the title of the Applicant to the property.

4. Needless to say, each party, i.e., the Applicant and the Society and indeed the Developer would be at liberty to agitate their grievances against one another in such appropriate forum as advised, in accordance with law. The execution of the PAAA will not affect or prejudice their respective contentions in such proceedings.

5. Since the Court has been called in to resolve such issues, which I perceive to be beyond the threshold reasonably necessary, it is directed that the parties shall co-operate in completing the execution of the PAAA and not generate fresh disputes that would delay further, the execution of PAAA.

6. List on *April 15, 2025* under the caption “*For Compliance*” on the *Supplementary Board*.

7. 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.]