

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.179 OF 2025

Sosar Corporation LLP

....Petitioner

Versus

Kamal Kunj Co-Operative
Housing Society Ltd. & Ors.

....Respondent

Mr. Vilas Mishra, *Advocate for Petitioner (through VC).*

Mr. Kunal Kumbhat *a/w. Karthik Pillai, Kamlesh Khemmani,
POA Holder of Mr. Nandlal Khemmani, for Respondent No.11.*

Ms. Nandini Deshpande, *1st Assistant to Court Receiver.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JULY 30, 2025

ORDER :

1. Listed at the request of Learned Counsel for Respondent No.11, who has now entered appearance as an Advocate and at the request of the Petitioner who seeks discharge of the Court Receiver.

2. It is a common ground that all the activities envisaged in the Order dated June 17, 2025 have been concluded. The Affidavit filed on behalf of Respondent No.11 had been taken on record and the same is also confirmed. Nothing in the Order dated June 17, 2025 would be affected by taking the Affidavit on record since it has always been made clear that any contentions on merits and disputes between the parties may be pursued at such appropriate forum as advised by the parties.

3. Since the activity envisaged under the Order has already been completed, the Learned Court Receiver shall stand discharged with payment of all fees and other dues owed to the Learned Court Receiver by the Petitioner without passing accounts.

4. Without intending to pronounce upon the merits, purely for the satisfaction of Respondent No.11 before demolition, the flat may be measured and a report may be given to him by such Architect as may be engaged by him, provided the flat is accessible. Such measurements shall take place with the presence of a senior representative on behalf of the Society and the Developer. Taking of that measurement will not affect the merits of these proceedings. It is only meant to give Respondent No.11 an empirical document to base any other proceedings that he may be desirous of pursuing, on the basis of his perceived rights.

5. Such activities shall be done within a week of the upload of this order and there shall be no further impediment to commencement of the re-development.

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.]