

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

**CONTEMPT PETITION IN COMM. DIVN. (L) NO. 28969 OF 2025
IN
COMMERCIAL ARBITRATION PETITION NO. 18 OF 2024**

Subhash Nagar Srushti Co Operative
Housing Society Limited

...Petitioner

Versus

Gadkari Builders and Associates & Ors.

...Respondents

Mr. Shailesh Shah, Senior Advocate *a/w. Dibyojeet Banerjee,
Anuj Athalye and Rohan Gupta i/b Legasis Partners, for
Petitioner.*

Mr. Manoj Harit *i/b Manoj Harit & Co., for Respondent.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : October 16, 2025

ORDER :

1. It is an admitted position that the Consent Term dated April 9, 2025 have again remained in the realm of non-compliance. Clause 1 of the Consent Terms which required an application for occupation certificate to have been filed no later than July 31, 2025 has not been complied with. Likewise, financial payments owed under Clause 4, in particular, sub-clauses (b) and (c) and Clause 6 have not been made. The arrears owed as of today per member of the Society is Rs. 5.5 lakhs

and the ongoing payments of Rs.80,000 per month have also been defaulted on since August 2025.

2. Mr. Manoj Harit, Learned Advocate for the Respondents has specific instructions to commit that 50% of the arrears and 100% of the monthly payments that have been defaulted on since August 2025 will be cleared no later than October 27, 2025. Mr. Harit has instructions to submit that an application for occupation certificate would be made by October 15, 2025. Both these commitments are accepted as undertakings given to the Court. But in addition, Mr. Jaydeep Gadkari, Respondent No. 2 is directed to also file an affidavit in this Court containing such undertakings and affirmations that these deadlines shall be met. Such affidavit shall be filed forthwith upon the upload of this order on the website of this Court.

3. It is clarified that while Mr. Harit's instructions to make commitment to pay by October 27, 2025 covers only Rs. 80,000 per month, it is a direction of this Court that at least 50% of the arrears must be paid by October 31, 2025. This direction is being made particularly bearing in mind the past conduct of the Respondent No. 1 that whenever there is a listing of the matter, a promise to pay is made, and some dribble of payment then follows. In these circumstances, the

Respondent No. 2 is directed to clear payment of at least 50% of the arrears by October 31, 2025.

4. Stand over to ***November 3, 2025*** to ascertain compliance with the previous obligation and the status update on the draft application for the occupation certificate. Mr. Jaydeep Gadkari shall remain present on the next date.

5. 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.]