

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

COMMERCIAL ARBITRATION PETITION NO. 530 OF 2025

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Om Sai Developers and Promoters

... Petitioner

Vs.

Shree Ashish Apartment Co

Operative Housing Society & Anr.

.. Respondents

Mr. Vishal Kanade, Counsel *a/w. Ravishekhar Pandey and Mr. Anuj V.R.
i/b Agama Law Associates, for Petitioner.*

Mr. Komal Bharat Shah,, *for Respondent No. 1.*

Mr. Alpesh Madhubhai Patel, *for Respondent No. 2.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : July 16, 2025

Order :

1. This is a Petition under Section 9 of the Arbitration and Conciliation Act, 1996 (*“the Act”*).

2. Respondent No. 2 has deputed his son to appear in Court with a letter indicating that he is authorised to collect the payment instruments referred to in the order passed on the last occasion on his behalf. Demand Draft for the hardship compensation and for the amounts payable towards brokerage transportation charges have been handed over in Court today by Learned

Counsel for the Developer to the son of Respondent No. 2 and a copy has been accepted. The other payments in terms of a chart clarifying the payments handed in by the Developer (which is marked “X” and taken on record) shall be paid in terms of the note set out.

3. In these circumstances, no grievance persists on the part of Respondent No. 2. Consequently, flat No. A5, which is only the flat left to be vacated in the building and is in the occupation of Respondent No. 2, shall be vacated no later than August 1, 2025. If by that date, the flat is not vacated, the Learned Court Receiver shall be entitled to take physical possession of the said flat with the assistance of local police. A copy of this order shall be served on the local police station in whose jurisdiction, the said flat falls and to the Deputy Commissioner of Police under whose jurisdiction such police station falls.

4. Learned Counsel for Respondent No. 1-Society submits that while Respondent No. 2 has been paid now, all the other members of the Society who have not raised any objections, remain to be paid. Learned Counsel for the Petitioner assures and confirms that every single member shall also be paid the amounts that have been withheld for the last member to vacate. Such amounts shall also be made forthwith to the other members of the society.

5. With the aforesaid directions, this petition has worked itself out. However, since at the instance of the Court, Respondent No. 2 has been paid it is expected that he shall not present any resistance to vacating by the deadline stipulated. List for recording compliance on ***August 4, 2025***.

6. Now that the issues have been resolved, it would be expected that Respondent No. 2 two would not post any further impediment to the redevelopment project.

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.]