

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.586 OF 2024

Hazel Maria Fernandes W/o. Vincent Levis
Through her Power of Attorney Henry D'souza .. Petitioner

Versus

T. Bhimiyani Realty Pvt. Ltd and Ors. .. Respondents

.....

- Mr. P. G. Lad a/w. Ms. Sayali Apte, Advocates for Petitioner.
- Mr. Atul Damle, Senior Advocate a/w. Mr. Vishal Kanade, Mr. Gauresh Mogre and Mr. Prerak Choudhary, Advocates i/by Prerak Choudhary for Respondents.

.....

CORAM : MILIND N. JADHAV, J.

DATE : MAY 05, 2026

P.C.:

1. Heard Mr. Lad, learned Advocate for Petitioner and Mr. Damle, learned Senior Advocate for Respondents.

2. Parties have reconciled their disputes and filed Minutes of the Order dated 05.05.2026. Minutes of the Order dated 05.05.2026 are taken on record and marked 'X' for identification. They are running into 5 pages upto execution clause. Minutes of the Order are signed by Petitioner – Henry Francis D'Souza; C.A. of Petitioner; Advocate for Petitioner; T.Bhimjyani Realty Pvt. Ltd, Respondent No.1 (Through Mr. Alok Jain, authorized signatory; Advocate for Respondents.

3. For reference and convenience, entire Minutes of Order dated 05.05.2026 are scanned and reproduced below:-

CORAM : MILIND N JADHAV, J.
Date : 05/05/2026

for Reg (D-1)
(S. 13(1)(b))

"
M. N. Jadhav
05/5/2026

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN ITS APPELLATE CIVIL JURISDICTION

CONTEMPT PETITION NO. 586 OF 2024

Hazel Vincent Fernandes

Petitioner

V/s.

T. Bhimjyani Realty Pvt. Ltd & Ors.

Respondents

MINUTES OF ORDER

The present Contempt Petition is disposed of on the following terms:

1. The Respondents have complied with the Order dated 6th April, 2026 and deposited a sum of Rs.1,80,00,000/- (Rupees One Crore Eighty Lakhs only) in the Registry of this Hon'ble Court.
2. The Petitioner will be entitled to withdraw the said amount of Rs.1,80,00,000/- (Rupees One Crore Eighty Lakhs only). Registry is directed to transfer the said amount with accrued interest if any, to the Bank account of the Petitioner having account details as per below:

Name of the A/c. Holder : HAZEL MARIA FERNANDES





Name of the Bank : HDFC Bank
 Branch : Pokhran Road 2, Thane
 Account No. : 50100061855927
 RTGS/NEFT/IFSC : HDFC0000276

3. The Registry is directed to transfer the said amount to the Petitioner on production of authenticated copy of the Minutes of Order and on receipt of documents lodged for Registration.
4. On 12th May, 2026 Petitioner's Power of Attorney Holder will appear before the Sub-Registrar, Thane along with original Agreement for Sale dated 24th August, 2023 for executing Deed of Cancellation of Agreement for Sale dated 24th August, 2023 in respect of Flat No. 1903, B Wing, 19th Floor, Olivia Building, Neelkanth Woods, Majiwada, Thane.
5. The Sub-Registrar is directed to register the Deed of Cancellation of Agreement for Sale dated 24th August, 2023 immediately upon submission of authenticated copy of this Order.

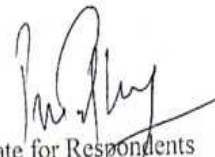
 

6. The expenses for the execution and registration of the said Deed of Cancellation will be borne by the Respondents.
7. Petitioner is at liberty to pursue the dispute with regard to the payment of interest from the year 2014 to 2023 before available forum. Contention of both the parties are kept open.
8. Proceeding before the DRT-3 at Vashi bearing Case No. Securitization Application No.502 of 2023 is directed to be expedited.
9. Contempt Petition is disposed off against all respondents. Notice stands discharged.

Dated this 5th May, 2026


Advocate for Petitioner


(HENRY FRANCIS D'SOUSA)
C.A of Petitioner


Advocate for Respondents


T. Bhimjyani Realty Pvt. Ltd.
Respondent No. 1

(Through Mr Alok Jain, authorized signatory)

738

05/8/26

SPECIFIC POWER OF ATTORNEY

TO ALL TO WHOM THESE PRESENTS SHALL COME I, MRS. HAZEL MARIA FERNANDES [Passport no X 5631504, issued on 04 February 2023 at Dubai] [PAN No. AAQPF1540C], and presently residing at 302, Al Tawegh Building, Next to Centre Point Apartment, Mankool, Bur Dubai, P.O. Box 49956, Dubai - UAE. And having her Permanent address at Atlantic A Wing 1602 Sagar City, VP Road Off SV Road Next to Fidai, Baug Andheri (W), Mumbai 400058, SEND GREETINGS:

WHEREAS I have agreed /intend to purchase residential premises being Flat No.1903 on the 19th floor in Wing "B" (hereinafter referred to as "the said Flat") together with One (1) car parking space (hereinafter referred to as "the said Car Parking Space") in the residential building named "OLIVIA" on land situate, lying and being at Neelkanth Woods, Mullabaug, Mandpada, Ghodbunder Road, Thane West 400610 at Mouje Majiwade Taluka, Sub-District and District of Thane, Maharashtra, India and more particularly described in the Schedule hereunder written; all of which are hereinafter collectively called "the said Premises";

AND WHEREAS I am required to sign, execute and register Agreement for sale to be executed between T Bhimjyani Realty Private Limited the 'Promoters' and myself as the 'Allottee' therein for purchase of the said Premises and to perform related acts, deeds, matters and things.

AND WHEREAS as I am personally unable to attend to the execution and registration of the Agreement for sale and to do and perform related acts, deeds, matters and things, I am desirous of appointing my brother MR. HENRY FRANCIS DSOUZA, holding Passport No U1098167, issued on 21 November 2019 at Mumbai, presently residing at 60, 3rd Floor, Gyan Bhavan, 10 Kumbha Street, Ballard Estate, Fort, Mumbai 400001, Maharashtra, as my attorney without any consideration for this purpose.

NOW KNOW YE ALL AND THESE PRESENTS WITNESSETH that I, MRS. HAZEL MARIA FERNANDES do hereby nominate, constitute and appoint my brother MR. HENRY FRANCIS DSOUZA, [PAN No. ACOPD9199B] [Adhaar Card No. 3592 2752 5510] holding Passport No U1098167, issued on 21 November 2019 at Mumbai, presently residing at 60, 3rd Floor, Gyan Bhavan, 10 Kumbha Street, Ballard Estate, Fort, Mumbai 400001, Maharashtra, India (the "said Attorney") as my true and lawful attorney for me, in my name and on my behalf and at my cost to do, perform and execute all or any of the following acts, deeds, matters and things to say:-

To execute Agreement for Sale for purchase of the said premises on my behalf.

To present the Agreement for Sale for registration in the office of the Sub-Registrar of Assurances concerned at Thane Maharashtra, India and to admit execution thereof and to sign all relevant forms and papers in the Sub-Registrar's office.

Consulate General of India, Dubai,
does not accept any responsibility
for the contents of this document:

[Signature]

AND GENERALLY to do and perform all further and other acts, deeds, matters and things and to sign all papers as my said Attorney shall in his discretion deem necessary, proper or expedient.

AND I HEREBY agree to ratify and confirm all and whatsoever my said Attorney shall lawfully do or cause to be done by virtue of these presents.

IN WITNESS WHEREOF I, MRS. HAZEL MARIA FERNANDES have hereunto set and subscribed my hand at Dubai UAE this 10 day of August Two Thousand Twenty Three.

THE SCHEDULE HEREINABOVE REFERRED TO
DESCRIPTION OF THE SAID PREMISES

Residential premises being Flat No. 1903 on the 19th floor in Wing "B" together with One car parking space in the residential building named "OLIVIA" on land situate, lying and being at Neelkanth Woods, Mullabaug, Mandpada, Ghodbunder Road, Thane West 400610 at Mouje Majiwade Taluka, Sub-District and District of Thane, Maharashtra, India

SIGNED AND DELIVERED)

by the withinnamed)

Mrs. HAZEL MARIA FERNANDES)

in the presence of

Signed in my presence. He / She has been identified by his / her passport no. X5631504 issued at Dubai on 04-02-2023

While the photographs and Signatures are attested, no responsibility is accepted by this office for the contents of this document.

(Signature, Left Hand Thumb Impression and Photograph)



UAED30076923

ACCEPTED BY ME.

पिपति आनंद कुमार
Pispati Anand Kumar
उप कंसुल
VICE CONSUL
भारत का उच्च न्यायालय एवं
कंसुल कार्यालय, दुबई

10 AUG 2023

(Signature, Left Hand Thumb Impression and Photograph)

Specimen Signature of

Constituted Attorney

Mr. HENRY FRANCIS DSOUZA



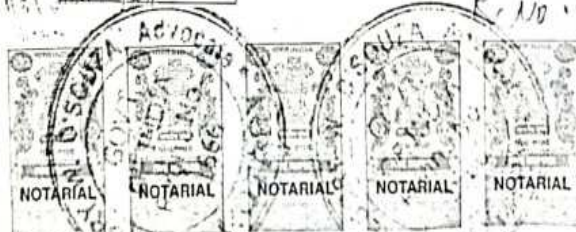
BEFORE ME

GREGORY W. D'SOUZA
ADVOCATE & NOTARY

Kalpak Estate, Bldg. No. B-11,
Plot No. 40, Antop Hill,
MUMBAI - 400 037.

S. NO 694A

R. NO 1235



4. Parties are present before this Court and they confirm execution of the Minutes of Order. Rights and obligations of the parties stated in the Minutes of Order dated 05.05.2026 are taken as an undertaking given to this Court. Parties shall abide by the same.

5. Order in terms of Minutes of Order.

6. Amount of approximately Rs.1.85 Crores shall be forthwith deposited by Judicial-I in the Bank Account of the Petitioner, details of which are given in paragraph No.2 of the Minutes of Order without any delay whatsoever on the basis of server copy of this order.

7. In view of the above, Contempt Petition is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT
Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date:
2026.05.06
16:32:51 +0530