

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 98 OF 2026

Elanit G. Jacobs

.. Petitioner

Versus

M/s. Reliance Construction Co & Anr.

.. Respondents

.....

- Mr. Prathamesh Seth a/w Ms. Trupti Gosavi, Advocates for Petitioner
- Mr. Makarand Raut, Advocate for Respondent No. 1
- Ms. P.G. Gavhane, AGP for Respondent No. 2 - State

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 17, 2026

P. C.:

1. Heard Mr. Seth, learned Advocate for Petitioner; Mr. Raut, learned Advocate for Respondent No. 1 and Ms. Gavhane, AGP for Respondent No. 2 - State.

2. Upon hearing Mr. Raut and upon consideration of the material placed on record, this Court is of the *prima facie* opinion that the three conditions which constitute the subject matter of the present Contempt Petition stand duly complied with. First condition regarding payment of Rs. 1,05,00,000/- has already been effected and paid hence there is no issue. Second condition pertains to handing over of the subject flat which the Developer is ready and willing to give. Mr. Seth at the outset states that he has no instructions to take possession of the flat as Occupation Certificate (OC) has not been received and

hence he would submit that there is non-compliance of condition No.

2. I do not agree with the submissions made by Mr. Seth because OC has been delayed due to the reasons beyond the control of the Developer and he is not responsible for the same. Be that as it may, insofar as condition No. 3 is concerned, it calls upon the Developer to buy back the said flat by paying Rs. 1,21,00,000/- to Petitioner. Mr. Raut would submit that his client is ready and willing to pay that amount along with interest as stated in the Consent Terms to which Mr. Seth submits that he has instructions to refute. If this is the position, no case for contempt whatsoever is made out.

3. In order to enable Mr. Seth to take appropriate instructions, present Contempt Petition is adjourned for passing further orders on the next adjourned date. It is clarified that if Petitioner refuses to take possession and if Developer is desirous of giving possession, appropriate orders will be passed by Court for appointment of Court Receiver to take possession with liberty to Petitioner to apply as and when Petitioner desires to take possession thereafter, subject to hearing the Developer.

4. Stand over to **24th February, 2026** under the caption "**First on Board**".

[MILIND N. JADHAV, J.]