

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

**INTERIM APPLICATION NO. 5068 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO. 90 OF 2025**

**Evertop Apartments CHSL ...Applicant
V/s.
Lotus Logistics and Developers Pvt. Ltd. ...Respondent**

**WITH
INTERIM APPLICATION NO. 5533 OF 2025
IN
INTERIM APPLICATION NO. 5068 OF 2025
WITH
COMMERCIAL EXECUTION APPLICATION NO. 90 OF 2025
WITH
INTERIM APPLICATION NO. 6670 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO. 90 OF 2025
WITH
INTERIM APPLICATION NO. 6671 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO. 90 OF 2025**

Mr. Ashish Kamat, Senior Advocate with Mr. Piyush Raheja, Mr. Aadil Parsurampur, Mr. Tejas Agarwal and Ms. Tejaswi Pania i/b I.C.Legal for the Applicant in COMEX 90/2025.

Mr. Milind Nar with Ms. Pinki Yadav for the Applicant in IA 6671/2025 and for Respondents No. 5 and 6 in IA 5068/2025.

Mr. Prateek Seksaria, Senior Advocate with Mr. Dharam Juman and Mr. Arun Panicker for the Respondents No. 1 to 3.

Mr. Navroz Seervai, Senior Advocate with Mr. Sharan Jagtiani, Mr. Priyank Kapadia, Ms. Nikita Bhansali, Mr. Amir Shah and Ms. Prabjyot Kaur Kler i/b Yasmin Bhansali & Co. for the Applicant in IA 5533/2025 and for the Respondent No.4 in IA 5068/2025.

**CORAM : ABHAY AHUJA, J.
DATE : 14th JANUARY, 2026**

PC. :

1. When the matter is called out, learned Senior Counsel appearing for the parties tender across the bar order dated 13th January, 2026 of a Single Judge of this Court (Coram: Sandeep V. Marne, J.) in the Petition under Section 34 of the Arbitration and Conciliation Act, 1996 in Commercial Arbitration Petition (L) No. 34791 of 2024 with Interim Application (L) No. 27998 of 2025 in Commercial Arbitration Petition (L) No. 34791 of 2024.

2. Mr. Seksaria, learned Senior Counsel appearing for the Respondents No.1 to 3 would submit that in view of the extension of the timelines to obtain occupation certificate by 9 months, the original directions for payment of damages of Rs.128.98 Cr. has got postponed by 9 months and that, therefore, as far as the said amount is concerned the execution of the award has become pre-mature and therefore, not maintainable.

3. As regards the other amounts payable under the award under execution viz. statutory dues, amounts for short fall of area, rent and legal costs are concerned, Mr. Seksaria submits that he has instructions to secure the said amounts, subject of course to the rights of the said Respondents to challenge the order of the learned Single Judge passed

under Section 34 of the Petition.

4. Mr. Seervai, learned Senior Counsel for the Respondent No. 4 also submits that in view of the modification of the timelines, the award as it stands today has been modified and therefore, the present Execution Application and the connected Interim Applications are not maintainable.

5. Mr. Kamat, learned Senior Counsel appearing for the Execution Applicant opposes the aforesaid submissions and submits that since the order passed by the learned Single Judge in the Petition under Section 34 has been uploaded only last night, some time be granted to take instructions in the matter.

6. Since the hearing of the Interim Application No. 5068 of 2025 filed by the Execution Applicant has been expedited by the Hon'ble Supreme Court, this Court deems it appropriate to list the matter on **22nd January, 2026.**

7. Let instructions positively be taken by the next date.

(ABHAY AHUJA, J.)

NIKITA
YOGESH
GADGIL

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