

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

**INTERIM APPLICATION NO. 8248 OF 2025  
IN  
COMMERCIAL EXECUTION APPLICATION NO. 190 OF 2025**

**Bandra Trilok Co-Operative Housing Society Ltd. ...Applicant**  
**V/s.**  
**Shree Ahuja Properties Private Limited ...Respondent**

Mr. Nikhil Sakhardande, Senior Advocate with Mr. Pheroze Mehta, Ms. Shubhra Swami, Mr. Aditya Raut, Mr. Kedar Desai and Mr. Shyamdhara Upadhyay i/b Desai Desai Carrimjee and Mulla for the Applicant.  
Mr. Rohan Savant with Mr. Amit Jajoo, Ms. Sanaya Patel and Ms. Richa Phulwami i/b Tri Legal for the Respondent.

**CORAM : ABHAY AHUJA, J.**  
**DATE : 13<sup>th</sup> MARCH, 2026**

**PC. :**

1. This matter has been circulated on behalf of the Applicant seeking execution of the order under Section 17 of the Arbitration and Conciliation Act, 1996 (the “Act”) passed by the Sole Arbitrator on 10<sup>th</sup> February, 2025, directing the Respondent to deliver actual possession of the land admeasuring 4,760.08 square yards i.e. 3,980 square meters bearing survey No. 313-A Hissa No.1, Survey No. 314-C and bearing corresponding CTS No. C/1651 (admeasuring 3578.6 square meters) and CTS No. C/1654 (admeasuring 402.18 square meters) at Bandra ( the “subject property”), to the Applicant within four weeks’ time from the receipt of the said order.

2. Mr. Sakhardande, learned Senior Counsel appears for the Applicant and submits that despite two requests, one on 10<sup>th</sup> March, 2026 and the other on 12<sup>th</sup> March, 2026, the actual possession has not been handed over and that this Court may grant assistance in terms of Column J.(a) to (c) to the Execution Application.

3. On the other hand, Mr. Savant, learned Counsel appearing for the Respondent, drawing this Court's attention to the order dated 5<sup>th</sup> August, 2025 of a Single Judge of this Court in the Petition filed under Section 37 of the Act, impugning the order of the learned Arbitrator under Section 17 of the Act, submits that the Applicant was to place a sum of Rs. 6.5 Cr. in a fixed deposit and a lien to be marked in favour of the Prothonotary & Senior Master of this Court and to be kept aside to abide by the outcome in the arbitral proceedings and that the same was to be done within a period of one week from the uploading of the said judgment dated 5<sup>th</sup> August, 2025, which has not been done and therefore, the Applicant cannot seek execution of the order under Section 17 of the Act.

4. Mr. Sakhardande, learned Senior Counsel appearing for the Applicant submits that the said fixed deposit and lien marking in favour of the Prothonotary & Senior Master has already been done and seeks

to tender across the bar copy of the bank documents evidencing the same to Mr. Savant, learned Counsel for the Respondent as well as to the Court, which is taken on record and marked as “X-1” and “X-2” for the purposes of identification and which indicates that the order dated 5<sup>th</sup> August, 2025 in terms of the obligation of the Applicant has been complied with.

5. Upon a query from the Court to Mr. Savant as to when the Respondent would deliver the actual possession of the subject property to the Applicant, Mr. Savant is unable to indicate any specific date.

6. Accordingly, having heard the learned Counsel and having considered their submissions, this Court is of the view that the assistance in terms of the Column J.(a) to (c) as prayed for be granted.

7. Mr. Priyansh Jain, Advocate of this Court, who is present in the Court and who has consented to be appointed as Commissioner in terms of Column J.(a) to take over the actual possession of the subject property viz. the land admeasuring 4,760.08 square yards i.e. 3,980 square meters bearing survey No. 313-A Hissa No.1, Survey No. 314-C and bearing corresponding CTS No. C/1651 (admeasuring 3578.6 square meters) and CTS No. C/1654 (admeasuring 402.18 square

meters) at Bandra and to hand over the same to the Applicant.

8. The Commissioner of Police, Mumbai to render all assistance to the Advocate Mr. Priyansh Jain, appointed as Commissioner in terms of Column J of the Execution Application.

9. Let the entire exercise be completed within a period of one week.

10. All to act on a copy of this order duly authenticated by the learned Associate of this Court.

11. List on **23<sup>rd</sup> March, 2026** for compliance and for quantifying the costs of the learned Commissioner.

**(ABHAY AHUJA, J.)**

NIKITA  
YOGESH  
GADGIL

Digitally signed by  
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