

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

**COMPANY APPLICATION (LODG.) NO. 86 OF 2016
IN
COMPANY PETITION NO. 949 OF 2014**

Sanjay Kumar & Ors.

.. Applicants

In the matter between :

Anil Banranglal Agarwal

.. Petitioner

Vs.

Mantri Realty Ltd. & Ors.

.. Respondents

Dr.Birendra Saraf, senior advocate a/w. Mr.Ameya Gokhale for applicants.

Mr.Siddharth Murarka for petitioner.

Mr.Sahil Mahajan for respondent no.1.

Mr.Satish Kamat for respondent no.2.

Mr.Vinod Sharma, official liquidator present.

CORAM : K.R.SHRIRAM, J.

DATE : 8TH FEBRUARY, 2016

P.C.

1) Dr.Saraf appearing for the applicant who is representing 126 occupants of Mantri Serene states that the company has not, as per the agreement with the flat purchasers, paid the electricity charges to Reliance Energy, i.e., respondent no.2. Dr.Saraf states that the future bills will be paid on its respective due dates but as regards, the outstanding amounts which the respondent no.1 has not paid, the 126 persons alongwith others

mentioned in Exh.'A' to the application, will pay the outstanding amounts in two equal installments within eight weeks, i.e., 50% within four weeks and the remaining 50% within four weeks thereafter. If there are any other occupants of Mantri Serene, except the common spaces or offices or apartments occupied by the company, they may also, should they wish, make payments as mentioned above for the 126 occupants.

2 The counsel appearing for the Reliance Energy insists that the outstanding should be paid within four weeks.

3 This unfortunate situation has come up due to defaults committed by the company and the residents of the building are, in my view innocent victims. Therefore, since they have given an undertaking to pay the amount outstanding within eight weeks and also having undertaken to pay future bills on dates, in my view, it will meet the interest of justice, if the applicants and other occupants except who are related to or connected with respondent no.1, be allowed to pay the outstandings within eight weeks in two equal installments, i.e., 50% within four weeks and remaining 50% within four weeks thereafter.

4 Dr.Saraf further states that as the company is in occupation of certain

areas within the complex and using it for construction activity, all the residents of 'A' wing are also billed by Reliance Energy as 'commercial users' as against 'residential users'.

The counsel appearing for the Reliance Energy states that it is up to the residents to apply for conversion from 'commercial' to 'residential' and the applications will be considered on case to case basis in accordance with law.

5 Reliance Energy is directed to consider the application, if made, without waiting for the entire outstanding amounts to be paid.

6 If the applicants are unable to get 'All Okay' certification from the contractor who was engaged by Mantri Realty, regarding the hiring etc. the applicants are at liberty to engage another certified and approved contractor whose certificate would be filed with Reliance Energy.

7 Stand over to 15.02.2016.

(K.R. SHRIRAM, J.)