

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
CONTEMPT PETITION NO.20 OF 2018
IN
ARBITRATION PETITION NO.247 OF 2017**

Liberty Garden Co-op. Housing Soc. Ltd. ... Petitioner

versus

K.T.Group and Ors. ... Respondents

Mr Tushar Gujjar with Mr. Deepak Singh i/by M/s. Solicis Lex, for Petitioner.

Mr. U.S.Upadhyay, AGP for State.

Mr. Sudhir Mahadik, Sr. P.I., Malad Police Station present.

Mr. Sandeep Sheth and Mr. Dhairya Sheth, Ms. Hema Sheth present.

CORAM: S.J. KATHAWALLA, J.

DATE: 4th MAY, 2018

P.C.:

1. The Petitioner is a co-operative Society whose building was constructed in the year 1968. On 19th December, 2013, Respondent No.1 - K.T. Group through its three partners Dhairya Sheth, Sandeep Sheth and Dhruv Sheth entered into a Development Agreement with the Petitioner-Society. On 13th July, 2014, IOD was issued and possession was obtained by the Respondents/Developer from the members on 30th September, 2014. On 21st January, 2015, commencement certificate was issued and the partners of K.T. Group agreed to complete the project i.e. on or before 22 months + 6 months grace period. The Respondents failed to complete the project within a stipulated period and also failed and neglected to make payments towards compensation agreed to be paid to the members since April, 2017.

2. Though the Senior Inspector of Malad Police Station received a complaint from

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the Petitioner society against the Respondents - K.T.Group, as far back as on 23-09-2017, that the members of the society have been cheated by the developer, the Senior Inspector has failed and neglected to take any action in the matter. Instead he has written a letter to the complainant society stating that their complaint is in the nature of a civil dispute.

3. I have in the past repeatedly recorded in my orders that the complaints filed by the members of the public alleging that they have been cheated by the developer cannot be termed as disputes of a civil nature, yet the police officials in-charge of the police stations are not ready to assist the common man when they seek police assistance and instead show them the door by terming their complaints as being civil disputes. Despite the above observations in my orders, I find that there is no improvement in the approach/conduct of the Senior Police Officers. When the concerned officer/s are directed to remain present before the Court and questioned as to what steps they have taken qua such complaints, they simply tender a mechanical apology. The Senior Inspector of Malad Police Station now states that he shall forthwith look into the complaint and take necessary steps. A copy of this order shall be forthwith forwarded to the Commissioner of Police, Greater Mumbai and the Deputy Commissioner of Police, Zone XI.

Stand over to 13th June, 2018.

(S.J.KATHAWALLA, J.)