

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION (ST) NO. 23684 OF 2016
IN
WRIT PETITION NO. 9131 OF 2015**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.C. Naidu a/w Aniketh Poojani i/b M/s. C.R. Naidu & Co. for the Applicant.

Mr. Darshil Jain i/b Gireesh U.G. Menon for the Respondent No.1.

Mr. S.D. Rayrikar, AGP for Respondent No.2.

CORAM : K. K. TATED, J.

DATED : 20/09/2016

PC.:

1. Heard learned Counsel for the parties.

2. This application is preferred by the occupant of Gala Nos. 11A and 11J in Laxmi Industrial Estate, New Link Road, Andheri (W), Mumbai for appointment of Chartered Accounts to calculate the amount due and payable by the Applicant towards the maintenance charges of these two Galas.

3. It is the case of the applicant that Respondent Society though filed statement of account on record, that is contrary to the actual maintenance bills issued by them from time to time.

4. It is to be noted that in the present

proceeding, this Court (Coram F.I. Rebello, J) by order dated 26.07.2004 in Writ Petition No. 1282 of 2004 directed the applicant to pay the arrears of maintenance charges, if any to the Respondent Society immediately.

5 It is the contention of the applicant that they are ready and willing to pay maintenance charges to the society, but the statement of accounts made by the Society is not as per Rules and Regulations. Hence, applicant has made this application for appointment of Chartered Accountant for submitting the report about the dues payable by the applicant for maintenance charges in respect of Gala Nos. 11A and 11J.

6 By consent of both the parties, M/s. N.B. Shah & Associates, Chartered Accountants, 305, Tulsiani Chambers, Nariman Point, Mumbai – 400 021 is appointed to verify books of accounts of society, statement of accounts, if any filed before them by both the parties and submit the report showing how much amount is due and payable, if any by the Applicant to the Respondent Society in respect of Gala Nos. 11A and 11J.

7 Liberty granted to both parties to submit their statements of accounts documents along with their grievance before the Chartered Accountant within three weeks from today.

8 This Court expects from the Chartered Accountant to submit his report thereafter within three weeks with copy to both the parties.

9 It is made clear that initially, the applicant to bare the expenses of Chartered Accountant and thereafter, Court will decide how much is liable to pay by the Respondent's society.

10 Registry is directed to inform the Chartered Accountant about his appointment along with copy of this order immediately.

11 Liberty granted to the Applicant to prefer appropriate application, if they so desire for other grievances and reliefs, which were raised by them in the present Civil Application.

12 Office is directed to place the Writ Petition No. 9131 of 2015 on board after 7 weeks under caption for orders.

13 Civil application stands disposed off accordingly.

14 Parties to act on authenticated copy of this order.

(K.K.TATED, J.)