

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.101 OF 2015

IN

WRIT PETITION NO.6543 OF 2014

1.M/s.Sarda Agro Oils Limited & Anr. ... Petitioners.

Vs.

1.Union of Inida & Ors. ... Respondents

Mr.Krishna Holambe Patil, for the Petitioners.

Mr.Pradeep S.Jetly, for Respondent Nos.1 to 3.

**CORAM : S.C. DHARMADHIKARI &
G.S. KULKARNI, JJ.****DATE : 29th JUNE, 2015.**

P.C. :

1. We have heard Mr.K. Holambe Patil, learned Counsel appearing on behalf of the petitioners and Mr.P. S. Jetly, learned Counsel appearing on behalf of respondent Nos.1 to 3.

2. Mr.Jetly invites our attention to the affidavit filed by the Deputy Commissioner of Customs in answer to this Writ Petition and particularly the paragraph where he tendered an unconditional

apology for the delay but offers an explanation and submits that delay was not deliberate or malafide.

3. We have noted this statement in the affidavit in reply. The law on the point is very clear. When there is Court's order and which directs the Authority like the Commissioner of Customs to decide the case within a particular time frame, then, it is his bounden duty to adhere to it. If there are any difficulties in following and abiding by the schedule prescribed in the Court's order, then, appropriate applications have to be made seeking extension of time and the Court must be appraised of all developments and difficulties. It is when the Court extends time, then, the matter can be decided within that extended period, else all such authorities are aware of the consequences of not complying with the Court's order and in time. They could be visited with personal costs and consequences such as entering displeasure of this Court in their service record.

4. We do not take this action simply because of the explanation given on affidavit but warning the deponent that hereinafter this Court will not accept such explanation and belatedly

given.

5. In the circumstances, we drop all the proceedings under the Contempt of Courts Act, 1971 with the aforesaid caution and warning. We do not impose costs in the peculiar facts of the present case. The Contempt Petition is disposed of.

(G.S.KULKARNI, J.)

(S.C. DHARMADHIKARI, J.)