

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
CONTEMPT PETITION NO.307 OF 2013**

Sayyed Anwar Ahmed
Versus
The State of Maharashtra & Anr.

....Petitioner.
...Respondents.

Mr. K.H.Giri, advocate for the Petitioner.

**CORAM : RANJIT MORE AND
SMT. ANUJA PRABHUDESAI, JJ.**

DATED : January 5, 2015.

P.C.:

Heard.

2 By the order dated 23rd July, 2012 passed in Writ Petition No.2456 of 2012, the Appellate Authority was directed to dispose of the petitioner's appeal finally within a period of four weeks from that date. In terms of this order, the appellate authority was bound to dispose of the said appeal by 22nd August, 2012.

3 Mr. Vineet Agarwal, Secretary (Special), Home Department, Government of Maharashtra, the appellate authority has filed affidavit-in-

reply dated 21.11.2013. In paragraph 4, it is stated that the petitioner's appeal was disposed of on 7.12.2012. Copy of the decision is annexed at Ex.'1' Page 16 of this petition.

4 So far as the delay is concerned, same is explained by making averments in paragraph 5 which shows that at the relevant time, Mr. K.K.Pathak was dealing with the appeals. However, he was transferred and thereafter, Mr. Vineet Agarwal took charge of the said post. Unconditional apology has been tendered for the delay in disposing of the petitioner's appeal. We find that delay is not deliberate or intentional and the same is due to the reasons mentioned in paragraph 5 of the affidavit. We, accordingly, accept unconditional apology.

5 The learned counsel for the petitioner submits that the appellate authority has passed the order without giving an opportunity of hearing to the petitioner. If that be so, petitioner is always at liberty to challenge the same before the appropriate forum. Since the order dated 23rd July, 2012 passed in Writ Petition No.2456 of 2012 is complied with and explanation is given for the delay caused in passing order, we are not

inclined to proceed further with the contempt petition and **the same is ,
accordingly, dismissed.**

(RANJIT MORE, J.)

(ANUJA PRABHUDESAI, J.)