

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.
SUO MOTU CONTEMPT PETITION NO.391 OF 2013

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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None for the Petitioner

Mr. Bhavin R. Bhatia for the Respondent Nos.1 to 3.

CORAM : K. K. TATED, J.

DATE : APRIL 21, 2015

P.C.:

1. Heard the learned counsel for the contemnor. This contempt petition is initiated on the basis of the report received from the Member, Maharashtra State Cooperative Appellate Tribunal, Mumbai for non compliance of order dated 20/03/2012 passed by the President, Maharashtra State Cooperative Appellate Tribunal, Mumbai (Appellate Tribunal) in A.O. No.18/2011 granting liberty to the Appellant – Ananthnarayan Natesan Iyer to apply the society in writing for relevant information regarding operation of the bank accounts of the society since 2000. Pursuant to the said liberty the Appellant applied to the society for relevant information and documents. Same was not provided by the society and the members of the managing committee. Hence, the Appellant preferred contempt Application No.1/2012 before the Tribunal.

2. In that Application none appeared for the contemnor though duly served. Hence, the Tribunal passed order in contempt Application No.1/2012 and requested this court to register a sou motu contempt against the contemnor for non compliance of order dated 20/03/2012 in A.O. No.18/2011.

3. The contemnor filed Affidavit-in-Reply dated 12/07/2014. The learned counsel for the contemnor submits that their Advocate on record failed to provide the papers and proceedings including orders passed by the Appellate Tribunal from time to time and therefore, it remained on their part to comply with the order passed by the Appellate Tribunal. These facts are stated by the contemnor in paragraph 2 of their Affidavit-in-Reply. He further submits that subsequently in the year 2011, the society opted to redevelop the property and accordingly the same was vacated by all the members and the building was also demolished. He submits that during pendency of the contempt petition they forwarded all relevant documents to the Appellant as per the liberty granted by this court by order dated 20/03/2015. To that effect, the contemnor filed affidavit dated 21/02/2015. He submits that they complied with the order passed by the Tribunal. He further

submits that the contemnor has tendered unconditional apology to this court for non compliance of order dated 20/03/2012 passed by the Tribunal. The contemnor tendered unconditional apology in affidavit dated 12/04/2015. The learned counsel for the contemnor submits that, in the interest of justice, this Hon'ble Court be pleased to accept the same and drop the contempt proceedings against the contemnor.

4. Considering the submissions made by the learned counsel for the contemnor and as the contemnor provided all relevant documents to the Appellant and has filed Affidavit dated 21/04/2015 to that effect and tendered unconditional apology, I am satisfied that the Appellant has complied with order dated 20/03/2012 passed by the Tribunal. Hence, the contempt proceedings against the contemnor requires to be dropped. Hence, the contempt petition stands dismissed. No order as to costs.

JUDGE