

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CONTEMPT PETITION NO.89/2011 IN WRIT PETITION NO.1059/2002s

M/s. Gulabchand Badrinarayan

..Versus..

Shri Kanchan Anil Kelkar and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 23.11.2015

Heard Shri M.D. Samel, advocate for the petitioners, Shri S.P. Deshpande, advocate for respondents 3 and 4 and Shri M.M. Ekre, A.G.P. for respondents 1 and 2.

The grievance of the petitioner is that inspite of the interim order passed by this Court on 2nd April, 2007, the respondent no.1 - authorized officer issued the notice dated 24th December, 2009 threatening the petitioner of an action under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The contention of the petitioner is that the respondent no.1 - authorized officer is liable for an action under the Contempt of Courts Act for wilfully disobeying the interim order passed by this Court on 2nd April, 2007.

The petitioners had filed Writ Petition No.1059/2002 before this Court challenging the recovery certificate issued by the Assistant Registrar, Co-operative Societies under Section 101 of the Maharashtra Co-operative Societies Act, 1960 and the order passed by

the Divisional Joint Registrar dismissing the revision filed by the petitioner. The Writ Petition No.1059/2002 is allowed by the judgment dated 23rd November, 2015 and the matter is remitted to the Assistant Registrar Co-operative Societies, Warud for deciding the claim of the Khamgaon Urban Co-operative Bank Limited Khamgaon afresh. While disposing the writ petition it is recorded that the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 are independent and the order passed in Writ petition No.1059/2002 will not have any effect on the same.

In response to the notice issued by this Court, the respondent no.1 has filed reply on affidavit sworn on 9th August, 2011. The respondent no.1 - authorized officer has explained the circumstances under which the notice came to be issued. The respondent no.1 has further tendered his unconditional apology in the matter. Accepting the explanation and the unconditional apology tendered by the respondent no.1 - authorized officer, the notice issued to him is discharged. The contempt proceedings are dropped. In the circumstances, the parties to bear their own costs.

JUDGE