

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 534 OF 2015
IN
WRIT PETITION NO. 11257 OF 2012

Rajiv L. Sangtani and others. ... Petitioner.
V/s.
Shri Kunal Kumar and others. ... Respondents.

PK.Dhakephalkar, Sr.Advocate with S.R.Ganbavale i/b.
Mr.Sangramsinh Yadav for the petitioners.
Abhijit P. Kulkarni for respondent Nos.1 and 3.
V.P.Malvankar, AGP A-Panel for respondent Nos.4 to 9.

CORAM : A.S. OKA AND C.V.BHADANG, JJ

DATED : 29th February 2016.

PC. :

Heard learned senior counsel for the petitioners and the learned counsel appearing for the contemnors. Perused the affidavit-in-reply filed by the Deputy Municipal Commissioner, Pune Municipal Corporation. Though belatedly, on 24th February 2016 the contemnors have deposited a cheque in the sum of Rs.12,33,48,089/- with the Special Land Acquisition Officer No.16, Pune. In the affidavit-in-reply filed by the Deputy Municipal Commissioner, an unconditional apology is tendered. Though belatedly, a compliance has been made by the contemnors with the directions contained in paragraph- 13(v) of the order dated 8th October 2015 passed in the main writ petition.

2. The learned senior counsel appearing for the petitioners invited our attention to paragraphs- 6 and 7 of the order dated 8th October 2015. His submission is that the Municipal Corporation is not implementing the orders of this Court in its true letter and spirit and, therefore, the Municipal Corporation may not take possession thereby depriving the petitioners of the amount of Rs.18,83,88,089/-.

3. Suffice it to say that by accepting the apology, the contempt petition will have to be disposed of. The effect of delay in depositing the amount will be considered independently notwithstanding the disposal of the contempt petition. Any other grievance by the petitioners regarding failure of the Municipal Corporation to comply with any other clauses of the order dated 8th October 2015 can be gone into in an appropriate proceeding which may be filed by them. In such proceedings, the issue of the conduct of the Municipal Corporation can always be gone into.

4. Subject to what is observed above, by accepting the apology, the contempt petition is disposed of.

(C.V. BHADANG, J)

(A.S.OKA, J)