

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

CONTEMPT PETITION NO.378 OF 2015

IN

WRIT PETITION NO. 538 OF 2015 (D)

M/s. R.B.Contractors, thr.its Proprietor Shri Ramraoji Bajoraoji Girolkar

-vs-

Shri Ramesh Nanakrao Hotwani

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.D.Harode, counsel for the petitioner.

CORAM : SMT. VASANTI A. NAIK &
A.S.CHANDURKAR, JJ.

DATE : 12.01.2016.

By this contempt petition, the petitioner has sought action against the respondent for willful disobedience of the order in Writ Petition No.538 of 2015.

The learned counsel for the petitioner states that after the petitioner challenged the tender notice in Writ Petition No.538 of 2015, this Court, while issuing notice to the respondents directed the respondents by an *ad interim* order not to issue the work orders until further orders of this Court. It is stated that in view of the statement made by the learned Assistant Government Pleader on 07/07/2015 in Writ Petition No.538 of 2015 that the tender notice was already cancelled, the writ petition was disposed of. It is stated that the petitioner's counsel had expressed an apprehension that the tender was cancelled with an intention to invite a fresh tender for the same work. It is stated that this Court had, while disposing of the writ petition granted liberty to the petitioner to move this Court in case the respondents issues a similar tender notice. It is stated that in view of the liberty granted by this Court, the petitioner has filed the

contempt petition and has also challenged the fresh tender notice, dated 19/09/2015.

We do not find that the respondents have in any manner flouted the interim orders passed by this Court on 03/02/2015 or have wriggled out of the undertaking given by them in this Court while the writ petition No.538 of 2015 was disposed of. Though this Court granted liberty to the petitioner to move this Court in case a fresh tender notice is issued, we find that the liberty was not for the purpose of filing a contempt petition. The petitioner is free to take appropriate steps for challenging the fresh tender notice, if the petitioner is aggrieved by the same. However, the petitioner cannot seek any action against the respondent under the provisions of the Contempt of Courts Act.

In the result, the contempt petition is dismissed with no order as to costs.

JUDGE

JUDGE