

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO.709 OF 2015
(Kinetic Engineering Ltd., Vs.The State of Maharashtra and another)
IN
WRIT PETITION NO.585 OF 2014

Mr.V.S.Bedre, Advocate for the petitioner.
Ms.S.S.Raut, AGP for respondent No.1.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 07/03/2017

PER COURT :

1. The petitioner is aggrieved by the conduct of respondent No.2 in allegedly violating the directions of this Court set out in order dated 06/07/2015 and 06/08/2015 in WP No.585/2014. Besides seeking action against respondent No.2, the petitioner has specifically prayed that, "*pending hearing and final disposal of this contempt petition, the respondent No.2 be directed to release the accounts of I.C.I.C.I. Bank, Branch Pune in pursuance of the notice dated 26/08/2015 in the interest of justice.*"

2. Learned Advocate for the petitioner submits on instructions that the said notice dated 26/08/2015 has been withdrawn.

3. By order dated 06/07/2015, the petitioner was directed to

deposit an amount of Rs.5,75,720/-. Considering the possibility of the petitioner selling the attached property, this Court granted relief to the petitioner in paragraph No.5 of the order as follows :-

“Till then, no further coercive action beyond attachment be taken against the petitioner’s property.”

4. As the amount of Rs.5,75,720/- was deposited by the petitioner, this Court passed the following order in paragraph No.4 :-

“4. Interim relief as operating to continue on following condition :

(i) As condition for continuation of interim relief, the petitioner shall deposit further sum of Rs.2,20,000/-, over and above Rs.5,75,720/- deposited under order dated 06-07-2015 (making up in aggregate two-third of the amount awarded by the Labour Court), in this Court, in order to show its bona fides, within a period of four weeks from today.

(ii) On deposit of such additional amount according to this order, the same shall be invested in a nationalized bank earning maximum interest. In case, hearing of the writ petition does not take place, such deposit shall be renewed from time to time during pendency of the writ petition.

(iii) In case of failure to deposit the amount within stipulated period, interim relief as has been granted would cease to operate.”

5. The petitioner has deposited the amount as directed and the

notice dated 26/08/2015 has been withdrawn by respondent No.2. Consequentially, the litigating sides are restricted from initiating any further coercive action beyond attachment of the petitioner's property. This status is maintained as of today.

6. Learned Advocate for the petitioner submits that the petitioner contemplates the filing of a civil application for seeking modification of clause 5 of the order dated 06/07/2015 in the writ petition.

7. Considering the above, since respondent No.2 has not acted beyond the restriction imposed by this Court and since the notice dated 26/08/2015 has been withdrawn, prima facie there is no disobedience.

8. This petition is, therefore, disposed of. Needless to state, the petitioner is not precluded from pursuing the remedies as available in Law.

(RAVINDRA V. GHUGE, J.)