

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 22 OF 2017

IN

WRIT PETITION NO. 953 OF 2015

MR. RAMPRASAD S. DESSAI.,

... Petitioner

Versus

SHRI. DHARMENDRA SHARMA AND 2
ORS.,

... Respondents

Mr. J. Abreu Lobo, Advocate for the petitioner.
Ms. P. Bhandari, Addl. Government Advocate for the
respondents.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 9th August, 2017

P.C.

Heard Mr. J. A. Lobo, learned counsel appearing for the
petitioner and Ms. P. Bhandari, learned Addl. Government
Advocate appearing for the respondents.

2. This is a contempt petition for failure to comply with
the directions issued by this Court in the order dated 15.12.2016.
The records reveal that such extension was given in continuity to
the observations made by this Court in the earlier order dated
22.04.2014.

3. The learned Addl. Government Advocate appearing for
the respondents has placed on record a decision taken in the

subject matter of the above petition but we find that such decision was taken belatedly contrary to the time limit fixed in the said order. The learned Addl. Government Advocate appearing for the respondents has placed on record an affidavit of the respondent no.3 inter alia stating at para 5 thus :

"I state that this Respondent has highest regards for the Orders passed by this Hon'ble Court and has always abided by the Orders passed by this Hon'ble Court. I state that in the event, if I have committed any breach of the Order, I hereby tender my unconditional apology. In my respectful submission, there is no breach of the Order, and in case, if any, the alleged breach is not wilful and deliberate."

4. It is not disputed that though the decision was taken, it was not communicated to the petitioner and the knowledge thereof was attained by the petitioner only when such decision was produced in the present petition. Though we expect from the authorities to comply with the directions of this Court strictly or seek extension within time, in the peculiar facts of this case, we accept the apology of the respondent no.3 with a condition that such respondent shall not commit such breach in future. We reject the contention therein that there was no breach of the order. The remedy of the petitioner, if any, to challenge the

subject decision is left open. The petition stands disposed of accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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