

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.87 OF 2012
IN
CONTEMPT PETITION NO.221 OF 2003
IN
WRIT PETITION NO.4690 OF 2001

Shree Ganesh Sahakari Bank Limited, Nashik ... Petitioner
Vs.
Godavari Urban Co-operative Bank Limited & others ... Respondents

Mr. Rahul D. Motkari for Petitioner.
Mr. Anilkumar Patil for Respondents.

CORAM : R. G. KETKAR, J.
DATE : JANUARY 25, 2017

P.C. :

Heard Mr. Motkari, learned Counsel for petitioner and Mr. Patil, learned Counsel for respondents at length.

2. By this Petition, petitioner has challenged breach of the order dated 30.06.2004 passed by this Court in Contempt Petition No.221 of 2003 in Writ Petition No.4690 of 2001. That order was passed in terms of the minutes of the order. By that order, respondents herein were directed to invest Rs.80,00,000/- in a separate Fixed Deposit Account till the final disposal of Case No.ABN/879/2001 pending on the file of Co-operative Court, Nashik, Maharashtra.

3. In support of this Petition, Mr. Motkari submitted that petitioner had issued cheque in favour of the respondent in the sum of Rs.1,13,11,668/- on 14.07.2004. However, perusal of the chart giving details of FDRs by respondents in NDCC Bank, Nashik shows amount of Rs.80,00,000/- were deposited under diverse FDRs on 13.07.2004 and 14.07.2004. He submitted that as the cheque itself was issued by

the petitioner on 14.07.2004, respondents have not explained as to how they can deposit the amount on 13.07.2004 and 14.07.2004.

4. On the other hand, Mr. Patil states that Mr. N. T. Thete, Chief Executive Officer of respondent No.1, Godavari Urban Co-operative Bank Limited, Nashik is present in the Court. He has also tendered a chart giving details of FDRs investing Rs.80,00,000/-. The same is taken on record and marked 'X' for identification. Mr. Patil, upon taking instructions from Mr. Thete, states that in compliance of the Court's order dated 30.06.2004, respondents herein have invested Rs.80,00,000/- on 13.07.2004 in Fixed Deposits and the said Fixed Deposits were renewed from time to time and are still valid. He further states that the Fixed Deposit Receipts are due to mature in July 2017. He, therefore, prays that respondents may be permitted to transmit the amount along with accrued interest from NDCC Bank, Nashik to Punjab National Bank, Nashik. The said fixed deposit will be renewed till decision of case No.ABN/879/2001 pending on the file of Co-operative Court, Nashik. Mr. Motkari has no objection for transfer of F.D.Rs.

5. As the respondents have complied directions contained in the order dated 30.06.2004, I do not find any case is made out for initiating contempt proceedings against the respondents. Notice is discharged. Respondents are permitted to transfer the amount in Fixed Deposit Accounts together with accrued interest to Punjab National Bank after its maturity in July 2017 under intimation in writing to the petitioner. The amount shall be kept in Fixed Deposits till the final decision of ABN/879/2001 pending on the file of Co-operative Court, Nashik. Contempt Petition is disposed of accordingly.

(R. G. KETKAR, J.)