

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.169 OF 2016

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Shri A.S.Khandeparkar along with Shri Amogh Karandikar and Shri Rajdeep D. Gude i/b
Khandeparkar & Associates for the Petitioner.
Shri P.G.Sawant, AGP for the Respondent No.5.

—

CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ

DATED : 17TH MARCH 2017

P.C.:

1. Heard learned counsel appearing for the Petitioner. The grievance in this Petition seeking action under the Contempt of Courts Act, 1971 is regarding non-compliance with the directions contained in the order dated 4th March 2016 passed in Writ Petition No.2571 of 2016. It is not in dispute that on 5th April 2016, the dumper has been released to the Petitioner. The learned counsel appearing for the Petitioner submits that apart from the bond as mentioned in the order dated 4th March 2016, the Petitioner was forced to deposit a sum of Rs.1,01,840/- towards minerals fees and royalty. He

pointed out that the amount has been deposited under protest on 4th April 2016 after which the dumper was released.

2. The order dated 4th March 2016 has been substantially complied with within a period of one month from the said date.

3. If the Petitioner was forced by the officer of the Revenue Department to pay the aforesaid amount, the Petitioner could have always moved this Court for necessary relief. But the Petitioner has paid the amount without making any protest.

4. Therefore, as regards the demand of the amount, no action can be initiated for Contempt Court. If according to the case of the Petitioner, he is entitled to refund of the said amount, it is always open to the Petitioner to adopt appropriate remedies in accordance with law.

5. Subject to what is observed above, the Petition is disposed.

(SMT. ANUJA PRABHUDESSAI, J)

(A.S.OKA, J)