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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 342 OF 2010

The Darukhana Iron Steel & Scrap ... Petitioner
 Merchants' Association

vs.

State of Maharashtra & Ors. ... Respondents.

Mr. Chirag Balsara a/w. Ms.Huda Diamondwala i/. Diamondwala & Co.
 for the Petitioner.

Mr. Manish M. Pabale, AGP for the Respondent no. 1.

Mr. G.S. Hegde for the Respondent no.3

Mr. N. N. Bhadrashete for the Respondent no. 5.

CORAM : A.S. OKA & A.K. MENON, JJ.

DATE : 4th MAY, 2017

P.C.

1. Heard learned Counsel appearing for the petitioners. The petitioners are seeking initiation of proceeding under the Contempt of Courts Act, 1971 against respondents for the breach of Order dated 23rd June, 2008. We have perused the said order. Relevant part of the said order reads thus :

“The learned counsel appearing for respondent no. 5 – Market Committee, places on record a copy of the letter dated 10th June 2008 from the Government of Maharashtra. It is taken on record and marked 'X' for identification. The Market Committee, State Government, CIDCO and respondent no. 4 – MMRDA, through their Advocates undertake to abide by the decisions which are contained in the document accompanying the letter dated 10th June 2008 at 'X' on

record. Undertaking is accepted. In view of this undertaking, no further orders are necessary in this petition. Petition is disposed off with no order as to costs.

Parties to act on the copy of this order duly authenticated by the Sheristedar / Private Secretary of the Court.

Certified copy expedited.

2. We have also perused the document accompanying the letter dated 10th June, 2008 and the decisions recorded therein. The decisions recorded therein taken in the meeting held on 2nd June, 2008 read thus :-

Sr.No	Issue	Decision
1	Handling over Market Yard to MMRI&S Market Committee	CIDCO should transfer all plots including all internal roads and common amenities to Market Committee in a phased manner.
2	Provide basic Infrastructure facility	(a) Peripheral roads / service roads drainage etc and streetlight to be maintained by CIDCO. (b) All internal 15 Mt wide road including drainage and street to be maintained by Market Committee.
3	To implement Election Rule	Tentative programme for election is as follows : (a) MMRDA to be submitting draft election rules to govt. on or before 7 th June, 2008 for approval. (b) Chief Executive Officer to prepare electoral rolls, on or before 30 th June, 2008.
4	Activation of Truck Terminus	CIDCO should provide all infrastructure facilities i.e. dormitories, toilets, flood lights etc and implement these on BOT basis on a time bound manner.

3. Contempt proceedings are in the nature of quasi-criminal proceedings. We have perused the relevant part of the minutes dated

2nd June, 2008 which are reproduced above. There is no description of the plots which are the subject matter of clause (1). The minutes dated 2nd June, 2008 do not contain any particulars of the plots. Even clause (2) is very vague. It is provided therein that certain roads will be maintained by CIDCO and certain roads will be maintained by the Market Committee. Minutes do not contain the description of the roads and the extent of maintenance work. The minutes do not state what steps CIDCO and Market Committee are expected to take. Fourth item records that CIDCO should provide all facilities like Dormitories, toilets, flood lights, etc. and implement these on BOT Basis. The particular of the facilities are not set out.

4. Considering the fact that what is recorded in the minutes dated 2nd June, 2008 is very vague, it will not be proper to initiate an action under Contempt of Courts Act, 1971 for its alleged breaches. If according to the petitioner, what is recorded in the minutes spells out a binding agreement, it is always open for the petitioner to initiate appropriate proceeding in accordance with law for enforcing the agreement. This is not a fit case to initiate action under the Contempt of Courts Act, 1971. However the other remedies of the petitioner are kept open.

5. The petition is disposed of.

(A.K. MENON, J)

(A.S. OKA, J)