

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

PUBLIC INTEREST LITIGATION NO. 49 OF 2014.

(Mukesh Jaideoprasad Sahu .vs. Union of India & others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. P.D. Meghe, Amicus Curiae with Mr. S.S. Dhengale,
Advocate for petitioner,
Mr. Ambarish M. Joshi, Advocate for respondent no.1,
Mrs. K.S. Joshi, A.G.P. for respondent nos.2, 3, 5 & 6.
Mrs. S.P. Giradkar, Advocate for respondent no. 4.

CORAM : B.P. DHARMADHIKARI & ROHIT B. DEO, JJ.

DATED : JULY 19, 2017.

Heard respective Counsel for the parties.

The learned Counsel appearing for respondent no.6 is seeking time. The learned Amicus appointed by this Court has pointed out that reply filed in P.I.L. by respondent Corporation is evasive. Advances of 22.09 crores are reflected in accounts of Nagpur Municipal Corporation for period from 1991-92 upto 2009-10. On affidavit Corporation has pointed out adjustment of advances of Rs.46.97 lakhs only during said period. Thus, amount in excess of Rs.21 Crores is still not accounted for.

This reply affidavit has been filed by Corporation on 9.7.2015 through its Accounts Officer, i.e. more than two years back. In PIL Corporation thereafter has not found it necessary to explain the position.

Neither petitioner nor the learned Counsel for

Corporation is in a position to point out the relevant legal provisions. The learned Amicus submits that it is not very clear whether respondent no.6 has completed audit and any audit report has been filed and audit objections are raised. The learned Counsel for respondent no.6 is seeking time. We find that the respondent no.6 has been added on 7.4.2016, i.e. more than one year back.

Figure of advances appearing in accounts for a period spread over about 20 years cannot itself be decisive. Necessary documents may have been on record. If the documents are not on record, then the respondent no.4 Municipal Corporation has to immediately proceed further as per law to safeguard interest of Corporation. If the accounts are not returned or then there is temporary misappropriation, necessary police complaint should be filed.

We find that neither petitioner nor respondent no.4 are serious in the matter.

The respondent no.6 ought to have filed a definite reply on record by this time.

We are not inclined to keep the matter pending. We direct the respondent no.4 Municipal Commissioner to take necessary steps and to comply with all queries or then audit objections within four weeks from today. It is also open to him to file police complaints, if any, against the officers found involved in any wrong doing.

We direct petitioner as also respondent no.4 Commissioner to deposit amount of Rs.5000/- each with the Registrar of this Court within four weeks. The said amount shall be made over to learned Amicus appointed by this Court as his

remuneration in the matter.

With these directions, we dispose of the P.I.L.

Judge

Judge

J.