

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CONTEMPT PETITION NO. 367 OF 2015
IN WRIT PETITION NO. 4909 OF 2012

(Rajiv s/o Yashwant Chaudhari vs. Shri K.V. Varkey, Ex-officio Chairman, Maharashtra Antibiotics Pharmaceuticals Ltd. & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.
JANUARY 06, 2017.**

Heard Shri C.V. Jagdale, learned counsel for the petitioner and Shri A.A. Naik, learned counsel for respondent Nos. 1 & 2.

2. The petitioner attempts to demonstrate non implementation of direction to take a decision within a period of three months, issued by this Court on 08.12.2014 while deciding Writ Petition No. 4909 of 2012. As per that direction, Respondent No. 1 i.e. Maharashtra Antibiotic and Pharmaceutical Limited was supposed to take a decision.

3. After this Court issued notice in Contempt Petition, the respondents have filed their reply. It is seen that on 18.10.2013, Respondent No. 1 – Shri K.V. Varkey was appointed as a Managing Director for a period of one year and that period expired on 25.11.2013 i.e. during the pendency of Writ Petition No. 4909 of 2012. Thus, Respondent No. 1 – Varkey was not Managing Director on

08.12.2014 and in any case had no such authority to decide the issue placed before him because of said order.

4. Shri Naik, learned counsel submits that Respondent No. 2 was Managing Director between 2010 and 2012. He further states that after expiry of tenure of respondent No. 1 – Shri Varkey, Central Government has not appointed any other person as the Managing Director. According to him, after recent adjudication by this Court, winding up proceedings of the company viz., Maharashtra Antibiotic and Pharmaceutical Limited may revive.

5. In this situation, we find that no case for proceeding against the respondents in Contempt jurisdiction is made out.

6. Shri Jagdale, learned counsel has attempted to contend that expiry of tenure of Shri Varkey could have been pointed out to this Court on 08.12.2014. He submits that this Court was misled. We keep that contention open.

7. With liberty to the petitioner to take such other steps as are open in law, we dispose of the present Contempt Petition. However, there shall be no order as to costs.

JUDGE

JUDGE

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