

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CONTEMPT PETITION NO.231 OF 2018
IN WP/12119/2017**

DAKSHTA POLICE KARMACHARI SAHAKARI PAT SANSTHA MARYADIT
THROUGH ITS AUTHORIZED SIGNATORIES.

VERSUS
SMT.CHITKALA ZUTSHI AND ANOTHER.

**WITH
WRIT PETITION NO. 12119 OF 2017
WITH CA/9217/2018 IN WP/12119/2017**

DAKSHTA POLICE KARMACHARI SAHAKARI PAT SANSTHA MARYADIT
THROUGH ITS AUTHORIZED SIGNATORIES.

VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioner : Shri Ghatol Patil Shahaji B..
AGP for the Respondents/ State : Shri S.B.Yawalkar.

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**CORAM: PRASANNA B. VARALE
AND
RAVINDRA V. GHUGE, JJ.**

DATE :- 12th September, 2018

Per Court :-

(a) Contempt Petition No.231/2018 :-

1 Heard the learned Advocate for the Petitioner in the contempt
petition.

2 The Petitioner Society submits that there is non compliance of
the order of this Court dated 04.10.2017. As such, an action of contempt

of court be initiated against the Respondents.

3 Perusal of the order dated 04.10.2017 would show that while issuing the notices, an ad-interim relief was granted by this Court in terms of prayer clauses "D" and "E". Prayer clause "D" reads as under :-

"(D) Pending hearing and final disposal of this Writ Petition, the respondent No.4 be directed to continue to discharge its statutory duty u/sec. 49 of the Maharashtra Cooperative Societies Act, 1960, thereby to deduct the amount of loan installments, from the salaries, of the members of the petitioner Dakshta Police Karmachari Shaakari Pat Sanstha Maryadit, Nanded, District Nanded and remit the same towards the repayment of their loans taken from petitioner Pat Santsha, each month regularly."

4 An attempt of the learned Advocate for the Petitioner was to submit that the Respondents are not complying with the order of this Court. Prayer clause "D" specifically deals with the direction to Respondent No.4 to continue to discharge statutory duties under Section 49 of the Maharashtra Cooperative Societies Act, 1960 thereby, to deduct the amount of loan installments from the salaries of the members of the Petitioner Society.

5 The learned AGP though invited our attention to the affidavit in reply, he also placed on record today the communication received from the office of the Superintendent of Police, Nanded to the office of the Government Pleader. It is stated in the communication that in view of the

order of this Court, the authorities are deducting the loan amount from the salary. The said communication dated 11.09.2018 is taken on record and marked as Exhibit "X" for identification.

6 The learned Advocate for the Petitioner then made an attempt to submit before us that there is something more than the loan amounts, which the Respondents are deducting.

7 Our attention was invited to the documents in tabular form and it is submitted that the Society demands an amount of Rs.28,44,87,746/- for the period July, 2017 till August, 2018 and the actual amount received is Rs.26,87,592/-. There is no description in this tabular chart against the said amounts and it is a lump sum amount without showing any heads of the amounts. Thus, all are now disputed questions of facts and certainly this Court cannot go into these facts more so in a contempt petition. In such circumstances, an interference in this contempt petition would amount to enlarging the scope of the contempt petition which we cannot do in any event.

8 In view of the affidavit in reply and in view of the communication received by the office of the Government Pleader, which is placed on record as Exhibit X, we are of the clear opinion that the Respondent Authorities are complying with the orders of this Court. As such, the Contempt Petition being devoid of merit is, therefore, dismissed.

9 Needless to state, other points which are raised in this

contempt petition are kept open as the main writ petition is pending consideration before this Court.

(b) Writ Petition No.12119/ 2017 with CA No. 9217/2018:-

10 Post the Writ Petition along with the Civil Application for consideration as per their turn.

11 Shri Bankar Patil, learned Advocate, submits that initially he was representing the Petitioner, however, now Shri Ghatol Patil, learned Advocate, is representing the Petitioner.

12 As such, the learned counsel Mr.Bankar is discharged and Office is directed to show appropriate appearance in the cause list.