

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

***CONTEMPT PETITION NO. 932 OF 2018
IN
APPEAL FROM ORDER NO. 37 OF 2018***

Rajlaxmi Infotech Private Ltd.
through it's Director,
Vishal Manoharrao Budhwant

...Petitioner

VERSUS

Vinod Murlidhar Kharate and another

...Respondents

Mr. S.G.Jadhavar, advocate for Petitioner

Coram : N.M. Jamdar, J.

Date : 19 December 2018.

Oral Order :

By this Contempt Petition, the petitioner has sought to punish the respondent under the Contempt of Courts Act.

2. Learned counsel for the petitioner submitted that in view of para 9 of the order, passed on 4 October 2018, the petitioner was protected against coercive steps since the petitioner has deposited substantial amount of the arrears of loan and yet the respondent Bank

has issued notice under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 on 23 October 2018. In the order, dated 4 October 2018, this Court has clarified that coercive steps does not mean blanket protection, but qua only the order of the trial Court rejecting plaint and what was directed was to decide the civil suit.

3. Reading of this paragraph does not indicate that no steps whatsoever under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 are not permitted to be taken. Whether the respondent could have recourse to Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is a matter of merits, which the petitioner will be entitled to challenge as per law. Since two interpretations are possible in the matter, the contempt proceedings cannot be invoked.

4. Keeping all remedies in respect of notice dated 23 October 2018 open, the Contempt Petition is disposed of.

N.M.Jamdar, J.