

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION (L) NO.19794 OF 2016

Maharashtra State Cooperative
Bank Ltd.

.. Petitioner.

Vs.

Commissioner of Sugar, State
of Maharashtra & Ors.

.. Respondents.

Mr.Sumit S.Kothari for the Petitioner.
Mr.R.S.Pawar, AGP for the State.

**CORAM : A.A. SAYED &
V.L.ACHLIYA, JJ.**

DATED : 8 JUNE 2018

P.C.:

The Contempt Petitioner alleges breach of the order dated 4 July 2016 passed by this Court in Writ Petition No.7166 of 2016 and seeks action against the Respondent, who is Tahsildar, Taluka:Karmala, District: Solapur. The order dated 4 July 2016 which grants ad-interim relief in terms of prayer clause(d) reads as follows:

“ Not on board. Taken on board on being mentioned on the ground of urgency.

2. By the impugned order the Sugar Commissioner has directed auction of the sugar belonging to Respondent No.3-Adinath Sahakari Sakhar Karkhana Ltd.

3. Mr. Godbole, the learned counsel appearing for the Petitioner submits that said sugar is pledged with the Petitioner-Bank and that cannot be auctioned.

4. Issue Notice to Respondent No.3, returnable on 1.8.2016. Mr. Mali, the learned A.G.P. waives service on behalf of Respondent Nos.1 and 2. To be heard alongwith writ petition no.7556 of 2016.

5. Till then there shall be ad-interim relief in terms of prayer clause (d)."

2. Affidavit-in-Reply has been filed by the Respondent-Tahsildar, wherein it is stated in paragraph 5 and 6 of the Reply as follows:

"5. I say that upon receipt of application from the Petitioner i.e. Maharashtra State Cooperative Bank, I refunded the amount of Rs.11,03,300/- in favour of Maharashtra State Cooperative bank vide cheque No.22860 dated 26-5-2017 drawn on I.D.B.I. Bank, Branch Karmala. Hereto annexed and marked as Exhibit "1" is a copy of the letter dated 26-5-2017 and photo copy of the cheque dated 26-5-2017. I further say that an amount of Rs.57,01,400/- was also refunded to Ganesh Trading Company, narayangaon on 2-5-2017 by cheque No.022858 drawn on IDBI Bank, Branch at Karmala.

6. I again say and submit that due to miscommunication, the order passed by this Hon'ble Court dated 4-7-2016 was not complied by me and I am tendering unconditional apology for the same. I submit that in future I will take abundant precaution in respect of any orders passed by this Hon'ble Court, and would strictly comply the same."

3. In view of the above and inasmuch as the order dated 4 July 2016 stands complied with, we accept the unconditional apology tendered by the Respondent-Tahsildar and dispose of the Contempt Petition.

(V.L.ACHLIYA,J.)

(A.A.SAYED, J.)