

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Contempt Petition (ST) NO. 22956 OF 2018

Chunilal And Company	...Petitioner
<i>Versus</i>	
The Punjab National Bank	
And others	...Respondents
....	
Mr.Jitendra M. Pathade, Advocate for the Petitioner.	
Mr. S.Y. Amare, Advocate for the Respondents.	
....	

CORAM : R. G. KETKAR, J.

DATE : 10th AUGUST, 2018

P.C.

1. Heard Mr.Jitendra Pathade, learned counsel for the petitioner and Mr.S.Y. Amare, learned counsel for respondent No.1, at length.
2. Mr. Amare states that he has instructions to accept and waive service on behalf of the respondents and assures that he will file Vakalatnama on or before 24.8.2018.
3. This Contempt Petition is filed alleging breach of the order dated 28.6.2018 passed by this Court in Writ Petition No.4141/2018. By that order, the Petition was disposed of by directing the first respondent herein who was petitioner in that Petition to pay Rs.1,70,00,000/- to the petitioner herein within one week from the date of the order

towards full and final settlement of its claim.

4. It is not in dispute that said amount is not paid as per the order dated 28.6.2018. Mr. Pathade invited my attention to the letters (i) dated 4.7.2018 at Exhibit-D, (ii) dated 17.7.2018 at Exhibit-E and (iii) dated 26.7.2018 at Exhibit-F requesting the respondents to pay Rs.1,70,00,000/- to the petitioner herein. He submitted that as the first respondent has not paid the amount, it may be directed to pay interest @ 21% per annum from 6.7.2018 till actual realization of the said amount.

5. Mr. Amare states that Mr. Madhav V. Nayak, Manager from Zonal Office and Ms. Bindu, Officer from Punjab National Bank House are present in the Court today. Upon taking instructions from them, he assures that on or before 13.8.2018 the amount of Rs.1,70,00,000/- together with interest @ 21% per annum from 6.7.2018 till 13.8.2018 on the said amount will be transmitted through R.T.G.S. in the account of the petitioner maintained with Bank of Baroda, details whereof are already with respondent No.1 Bank. Statement made by Mr. Amare, on instructions, is accepted in the form of undertaking to this Court.

6. As the respondents have agreed to pay the amount to the petitioner herein, in the aforesaid terms, at this stage, I do not find that

any case is made out for initiating contempt proceedings against the respondents. Contempt Petition is disposed of accordingly.

7. List the Contempt Petition for reporting compliance on **14.8.2018**. It is made clear that if the amount, in the aforesaid terms, is not transmitted to the petitioner's account, the Court will be constrained to issue contempt notice against the first respondent as also ensure personal appearance of respondent No.3 Shri Sunil Mehta, Non-Executive Chairman of the Punjab National Bank in the Court. Order accordingly.

Pradipkumar
Prakashrao
Deshmane

Digitally signed
by Pradipkumar
Prakashrao
Deshmane
Date: 2018.08.10
17:47:36 +0500

(R. G. KETKAR, J.)

Deshmane (PS)