

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CONTEMPT PETITION NO.139 OF 2018
(Rashtriya Swayamsevak Sangh vs. Harshal Hiwarkhedkar)

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

Shri A.R. Ingole, Advocate for petitioner.
Shri A.A. Naik, Advocate for respondent.

CORAM : B.P. DHARMADHIKARI AND
ARUN D. UPADHYE, JJ.

DATED : APRIL 24, 2018

We have issued notice on 23/4/2018 and made it returnable today as petitioner alleged breach of directions contained in order dated 17/4/2018 disposing of Writ Petition No.1886/2018.

2) Contention of petitioner is that when as per said directions, he submitted application and thereafter went to deposit the necessary amount through Bank drafts, the Bank drafts have not been accepted. Thus, slot available on 29/4/2018 is indirectly rejected.

3) The respondent has filed reply affidavit and explained that petitioner posed himself to be a registered Trust and hence, concessional rate as per Rules has been applied for. Thus, instead of demanding security deposit of Rs.50,000/-, a concessional rate was charged and security deposit of Rs.15,000/- was demanded. Similarly, concessional rate of rent, i.e. Rs.5000/- was charged instead of normal rent of Rs.25,000/-.

4) As the petitioner claims a particular status and concession, before final allotment, the status of petitioner needed to be verified and documents needed to be maintained on record of respondent. The petitioner failed to submit necessary documents and hence, that scrutiny could not be undertaken.

5) The Rules regulating allotment of Kavivarya Suresh Bhat Auditorium are not in dispute. Normal rates and concessional rates are also not in dispute. The fact that petitioner got concessional rate and accordingly prepared demand drafts for Rs.5,000/- and Rs.15,000/- only is also not in dispute. We, therefore, find substance in defence that without verification of status of petitioner, such concession could not have been extended. The petitioner nowhere discloses that he made available necessary documents to the office of respondent for verification.

6) In view of these findings, we find present proceedings or claim being unsustainable. Accordingly, with liberty to petitioner to take such other steps as are open in law, we reject the present contempt petition. No costs.

JUDGE

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