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

CONTEMPT PETITION NO.290 OF 2019 IN
WRIT PETITION NO.3617 OF 2019

Dipesh s/o Dilip Suryawanshi ... PETITIONER

VERSUS

The State of Maharashtra & another ... RESPONDENTS

.....
Shri S.C. Yeramwar, Advocate for petitioner
Mrs. R.P. Gaur, A.G.P. for State
.....

CORAM: PRASANNA B. VARALE AND
R.G. AVACHAT, JJ.

DATED : 3rd JULY, 2019.

ORAL ORDER :

Heard learned counsel for the petitioner. Notice was issued to respondent No.2 by order dated 24.4.2019 and respondent No.2 was further directed to remain present in this Court on the next date. Today respondent No.2 is present in this Court.

2. The learned A.G.P. invited our attention to the affidavit-in-reply filed on behalf of respondent No.2. It is submitted by learned A.G.P. that the non-compliance as alleged

by the petitioner is only due to the technical difficulty and the respondent No.2 has informed the petitioner by communication dated 3.4.2019 to submit the application by way of an Online process. The learned A.G.P. then submitted that as the respondent No.2 is not well conversant with the legal niceties, the communication dated 3.4.2019 may not be very happily worded, but the notification of the authority was only to apprise the petitioner to submit the application in proper format i.e. by way of an Online process.

3. The learned A.G.P. then, by inviting our attention to paragraph No.4 of the affidavit-in-reply, submitted that the petitioner subsequently applied through Online process, but due to earlier rejection, the said application was not available on the Website and this again caused some delay in the process. The learned A.G.P. then submitted that, if the petitioner uploads the application afresh with all necessary documents, the respondent No.2, on receiving the application, would immediately take appropriate steps so as to comply the orders of this Court.

4. It is stated in the affidavit-in-reply that, unless the petitioner uploads his Online application with all the necessary documents that he wants to produce, the certificate in 'C' form will not generate on the website and it will not be possible for the respondent No.2 to issue the same with his digital signature.

Thus, the learned A.G.P. submits that, this being a purely technical aspect of the matter, the delay in compliance of the order of this Court may not be treated as an intentional one.

5. The learned counsel Mr. Yeramwar appearing for the petitioner submitted that, the petitioner would immediately submit an Online application within two days from today. On this statement made by learned counsel for petitioner, the learned A.G.P., on instructions from respondent No.2 who is present in this Court, submits that the respondent No.2 would take appropriate steps as expeditiously as possible and not later than two weeks from today so as to comply the order of this Court in letter and spirit.

6. The statement of the learned A.G.P. on behalf of respondent No.2 is accepted as undertaking to this Court. In view of this statement made before this Court, the contempt petition is disposed of accordingly.

(R.G. AVACHAT)
JUDGE

(PRASANNA B. VARALE)
JUDGE

fmp/-