

(1)

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

**CONTEMPT PETITION NO.580 OF 2018
IN
WRIT PETITION NO.6393 OF 2016**

City Trading Corporation,
C-16, Shri Om Srishti Chs Ltd.,
Dumping Road, Mulund (W),
Mumbai-400080
through its' Proprietor
Nitinkumar Bhikaji Shinde

..PETITIONER

VERSUS

Mrs Shobha Baviskar,
Age: Major, Occu: presently
working as Chief Officer,
Municipal Council, Amalner,
Amalner, District Jalgaon

..RESPONDENT

Mr B. S. Deshmukh, Advocate for petitioner;
Mr Girish Rane, Advocate for respondent

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 3rd January, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner and
learned Counsel appearing on behalf of the respondent.

2. The petitioner is registered firm and it can be said that the petitioner is a service provider agency. On 20th March, 2018, accepting the statement made by learned Counsel appearing on behalf of respondent on the basis of

(2)

a communication placed on record, the Division Bench of this Court disposed of writ petition keeping all the options open for the petitioner to avail the other remedies available in law. By communication dated 15th February, 2018,, it was informed to the Counsel that certain amount is paid to the petitioner against work carried out by the petitioner and rest of the amount would be disbursed as per the availability of the funds after due deductions.

3. In response to the simple notice issued to the respondent, affidavit-in-reply is filed. It is admitted in the affidavit-in-reply that there is some delay in compliance of the order of this Court and the same was due to financial constraints faced by the Municipal Council. Along with affidavit-in-reply, a communication dated 4th December, 2018 is placed on record. By this communication, the petitioner is informed that after due deductions, an amount to the tune of Rs.12,96,398/- is due and payable to him and a cheque bearing No.226883 dated 5th December, 2018 against the amount is ready for disbursement. The petitioner is informed to collect the cheque with due endorsement.

4. Mr Rane, learned Counsel appearing on behalf of the respondent submitted before this Court that though there is a delay, the order of this Court is complied with in letter and spirit. For the delay, the respondent is tendering an apology and submits that the delay was due to financial constraints.

(3)

5. Mr Deshmukh, learned Counsel for the petitioner submitted that as per the calculation of the petitioner, the amount to the tune of Rs.12,96,398/- is not due and payable amount to him and the deductions are erroneous.

6. Now, this being a dispute on the quantification of amount and this dispute is beyond the scope of the contempt petition. With opportunity to the petitioner to raise the grievance insofar as quantification is concerned before the competent forum, if so advised, we dispose of the contempt petition as the order of this Court is complied with.

The contempt petition is disposed of accordingly.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

sjk