

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**CONTEMPT PETITION NO.91 OF 2018
IN
WRIT PETITION NO.1633 OF 2017**

Drishti Adventure Sports Pvt. Ltd. & Anr. ...Petitioners

vs.

Maharashtra Tourism Development Corporation
Ltd. and Ors.

...Respondents

Mr.Manoj Agiwal for the Petitioners.

Mr.Ranvir Shekhawat i/b Raj Legal for the Respondent Nos.1, 3 and 4.

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.
DATE : 29/01/2019.**

P.C.:

. Heard respective counsel. Perused the order of this Court dated 19/4/2018 in WP No.1633/2017.

2. Pursuant to that order fresh show cause notice for blacklisting was given to the petitioner on 6/8/2018 and the petitioner replied it on 21/8/2018. Ignoring that reply on 15/10/2018 the petitioner was blacklisted mentioning that the petitioner failed to reply to show cause notice.

3. On 20/10/2018 the petitioner pointed out the error apparent. Learned counsel for the petitioner submitted that even during pending arbitration dispute, attention of respondent was invited to the fact that reply was filed on 21/8/2018. No amends were made. The present Contempt Petition was filed on 29/10/2018 and thereafter the order

blacklisting the petitioner passed on 15/10/2018 was withdrawn on 29/11/2018 due to its knowledge.

4. Learned counsel for the petitioner therefore submits that the conduct is deliberate and this Court should not accept the act of withdrawal.

5. Learned counsel for respondent is relying upon reply affidavit stating that inadvertently reply filed on 21/8/2018 was lost sight of.

6. Contents of reply affidavit in this case show too casual approach and date of getting knowledge that reply was filed is not disclosed.

7. It is only mentioned that reply received on 21/8/2018 was forwarded to Joint Managing Director and it did not go to the concerned department i.e. Adventure Tourism.

8. Show cause notice dated 6/8/2018 is issued by the Joint Managing Director and its reply therefore was addressed to that officer. The order dated 15/10/2018 was passed on that show cause notice by the Managing Director.

9. We therefore are not in position to accept the explanation. However, taking over all view of the matter, as the petitioner has not suffered any prejudice, we dispose of the present contempt petition with direction to Respondent No.1 to be more cautious in future.

(REVATI MOHITE DERE, J.)

(B. P. DHARMADHIKARI, J.)