

IN THE HIGH COURT OF BOMBAY AT GOA**CONTEMPT PETITION NO. 12 OF 2019****IN****WRIT PETITION NO. 634 OF 2018**

SANTOSH TATU GAUDE AND 4 ORS. ... Petitioners

Versus

SUBHASH BHIKU NAIK AND 3 ORS. ... Respondents

Mr. Deepak Gaonkar, Advocate for the Petitioners.

Mr. A. D. Bhobe and Mr. Anoop Atchut Gaoker, Advocates for the Respondents.

**Coram:- M. S. SONAK &
SMT. M. S. JAWALKAR, JJ.**

Date:- 6th January, 2020

P.C.

Heard the learned counsel for the parties.

2. By this Contempt Petition, the Petitioners, allege that the contemnors have not complied with the directions of furnishing the accurate accounts to the Administrator within four weeks from the date of our order dated 23rd January, 2019 in Writ Petition No.634 of 2018.

3. Mr. Bhobe, learned counsel for the Respondents, at the outset points out that the Respondent No.1 has since expired. Accordingly, we

order the deletion of Respondent No.1.

4. Mr. Bhobe also points out that by communication dated 30th January, 2019 the accurate accounts have in fact been furnished to the Administrator. He however submits that the audited accounts could not be handed over on account of certain difficulties which arose at the time when the Association was being administered by the Administrator/Caretaker appointed by the Administrator. He points out that the Mamlatdar has ordered lodging of a FIR against such caretaker for failure to furnish proper accounts.

5. Mr. Gaonkar, learned counsel for the Petitioners points out that the accounts furnished by the contemnors are far from accurate. As a instance, he points out that the cash ledger books only upto the year 2011 have been furnished.

6. Mr. Bhobe points out that the vouchers have been furnished for the period between 2011 to 2018. He points out that in any case if any further cash books are required to be furnished, the same will be furnished within a period of four weeks from today without fail.

7. The Administrator/Mamlatdar to examine the accounts furnished and if there are any deficiencies to call upon the contemnors to

remedy the same within time bound period of not more than six weeks. Mr. Bhobe, learned counsel for the contemnors states that such deficiencies, to the extent possible will be remedied.

8. If the Administrator finds that the accounts are not accurate, the Administrator/Mamlatdar is no doubt free to take such action as contemplated under the law.

9. However, in the aforesaid circumstances, we do not deem it appropriate to initiate any contempt proceedings against the contemnors.

10. The Contempt Petition is therefore disposed of.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

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