IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 166 OF 2017

Heena Yasin Shah ...Petitioner

Versus

B.M. Mohite and Ors. ...Respondents

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Ms. Anshu P. Amin i/by A.A. Maniyar for the Petitioner.
Mrs. R.A. Salunkhe, AGP for Respondent – State.
Adv. Pooja R. Singh i/by Adv. N.R. Bubna for Respondent No. 1

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CORAM : S. S. SHINDE &
V. G. BISHT, JJ.

DATE : 25th FEBRUARY, 2020

PER COURT :

1. This Contempt Petition alleges willful disobedience of the order passed by the Division Bench (Coram :- Shantanu S. Kemkar & M.S. Karnik, JJ.) on 21st September, 2016 whereby this Court directed the Respondent No. 1 to take appropriate decision with regard to the Petitioners grievance. Petitioner was given opportunity to file fresh detailed representation along with supporting documents to Respondent No. 1 within two weeks from the date of passing the order i.e. 21st September, 2016 .

2. Pursuant to the notices issued to the Respondents, Respondent

No. 1 – Corporation has filed the affidavit in reply. In paragraph 1 of the affidavit in reply it is stated that, fresh representation of the Petitioner was received on 03rd October, 2016. The submissions of the petitioner were considered and decision was taken on 28th December, 2016 and said decision was communicated to the Petitioner on 01st February 2017.

3. Since the decision was taken by the first Respondent is within three months from filing the fresh representation by the petitioner, in our considered view there is no willful disobedience of the order passed by the Division Bench of this Court on 21st September, 2017. In that view of the matter the Contempt Petition stands disposed of.

4. It will be open for the Petitioner to take exception to the decision taken by the first Respondent on 28th December, 2016 (Exh. A to the affidavit in reply filed by the Respondent at Page 36) in case Petitioner is so advised. However, we have not expressed opinion about availability of an appropriate remedy or the limitation for taking exception an to the decision taken by the first Respondent on the representation of the petitioner.

(V.G. BISHT, J.) **(S. S. SHINDE, J.)**