

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONP-507-2019

IN

WP-11118-2018

Vitthal Gangaram Chintakindi

... Petitioner

Versus

The State of Maharashtra and another

... Respondents

.....

Dr. Ramdas P. Sabban for the Petitioner.

**Mr. S.B. Talekar alongwith Ms. Madhavi Ayappan instructed by Talekar & Associates
for Respondent No.2.**

Ms. K.N. Solunke, AGP for the State.

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**CORAM : S.J. KATHAWALLA AND
RIYAZ I. CHAGLA, JJ.**

DATED : OCTOBER 20, 2020.

P.C. :-

1. We have perused the order dated 3rd September, 2020. Paragraph 2 of the order is reproduced hereunder :-

“2. Today, an application is made on behalf of the Petitioner to withdraw the said amount of Rs.87 lakhs. The Learned Advocate appearing for the Corporation states that there was a mistake in calculating the said amount and the amount of Rs.78,29,312/- is approved by the standing Committee of the Corporation. In view thereof, subject to the proceedings filed/to be filed by the Petitioner seeking higher compensation, the Registrar, Appellate Side, shall handover an amount of Rs.78,29,312/- to the Petitioner alongwith the interest accrued if any within a period of two weeks from today. Stand over to 15th

September, 2020.”

2. Pursuant to the above order, the Pune Municipal Corporation has determined the compensation which according to them is payable to the Petitioner.

3. The Petitioner filed the above Contempt Petition which was before us on 3rd September, 2020. On that day, the Petitioner requested the Court to permit him to withdraw the amount of Rs.87 Lakhs deposited by the Corporation in Court. The Learned Advocate appearing for the Corporation informed us that there was a mistake in calculating the said amount and an amount of Rs.78,29,312/- is payable to the Petitioner which is approved by the standing Committee of the Corporation. It was also submitted by the Corporation that they have no objection if the Petitioner is allowed to withdraw an amount of Rs.78,29,312/-. In view thereof, after recording the said statement of the Corporation, we have in our order dated 3rd September, 2020 further recorded that *“In view thereof, subject to the proceedings filed/to be filed by the Petitioner seeking higher compensation, the Registrar, Appellate Side, shall handover an amount of Rs.78,29,312/- to the Petitioner alongwith the interest accrued if any within a period of two weeks.”* Subsequent to our Order dated 3rd September, 2020, the said amount of Rs.78,29,312/- has already been withdrawn by the Petitioner. The question therefore of granting any further reliefs to the Petitioner in the above Contempt Petition, does not arise and the Petitioner is at liberty as recorded in our order dated 3rd September, 2020 to file proceedings seeking higher compensation. The above Contempt Petition is accordingly disposed off.

4. This order will be digitally signed by the PA/PS of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(RIYAZ I. CHAGLA, J.)

(S.J. KATHAWALLA, J.)