

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

**986 CONT. PETITION NO.269 OF 2019
IN WP/9281/2015**

**WITH/CA/4736/2022 IN CP/274/2019
WITH/CA/4735/2022 IN CP/273/2019
WITH/CA/4737/2022 IN CP/276/2019
WITH/CP/271/2019 IN WP/8747/2015
WITH/CP/272/2019 IN WP/8740/2015
WITH/CP/270/2019 IN WP/8676/2015
WITH/CP/274/2019 IN WP/8741/2015
WITH/CP/275/2019 IN WP/9282/2015
WITH/CA/4733/2022 IN CP/269/2019
WITH/CA/4734/2022 IN CP/270/2019
WITH/CP/276/2019 IN WP/9120/2015
WITH/CA/4134/2022 IN CP/271/2019
WITH/CA/4136/2022 IN CP/272/2019
WITH/CP/273/2019 IN WP/9278/2015
WITH/CA/4133/2022 IN CP/275/2019**

**ABARAO KADUBA KAPSE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
...Advocate for Petitioners : Mrs. Maya R. Jamdhade h/f Mr.
Jamdhade Narendra R.
Advocate for Respondent No. 6 : Mr. Bhalerao Sudhir G.
...

**CORAM : RAVINDRA V. GHUGE, &
ANIL L. PANSARE, JJ.**

DATE : 17th JUNE, 2022.

PER COURT :

1. In the light of the earlier orders and specially the order dated 23.03.2022 passed by this Court (Coram : R.D.Dhanuka and S.G. Mehare, JJ.), this Court has come to the conclusion that the

acquiring body is in contempt of the orders of this Court. The directions which is disobeyed is in paragraph No. 4 of the order dated 8th August, 2016 passed by this Court (Coram : S.V. Gangapurwala and K.K. Sowane, JJ) as under :

“4. Considering the above, we direct respondent-acquiring body to pay interest @ Rs. 12% p.a. for a period of one year on the amount of settlement to the petitioners, as expeditiously as possible, preferably within eight months from the day of this order.”

2. As in April, 2017, the outstanding amount with interest @ 12% p.a., on the entire compensation amount, in all these matters is Rs. 4.68 Crores. Since this amount was not paid within eight months i.e. upto April, 2017, the further interest on the said amount will have to be calculated till the amount is actually paid. It is, therefore, apparent from the face of the record, in the light of the admissions of the respondents, that this amount was not paid upto April, 2017 and it is now being paid vide Cheques deposited in this Court, in June, 2022. Further interest will also have to be paid.

3. It is, therefore, obvious that the respondents are in contempt and no further explanation is necessary in the light of the admitted position.

4. As such, we could have proceeded to pass an order for punishing the Contemnors today. However, the learned Advocate for

the Contemnors submits that the calculations would be made and the remainder interest amount from May, 2017 till June, 2022, would be paid to the petitioners, on instructions from the Contemnor, who is present in the Court, within 60 days, by 20th August, 2022.

5. The learned Advocate has made submissions on the basis of instructions received from Mr. Dhananjay Maroti Godse (respondent No. 6), who is present in the Court.

6. The learned Advocate for the petitioners submit, on instructions, that the petitioners are not interested in seeking an order of punishment against the respondents. They are more concerned about the unpaid amount, as they are farmers and they are satisfied with the statement made by respondent No. 6. Therefore, these contempt petitions can be disposed off.

7. We make it clear that if the above recorded statement is not honoured, it would amount to aggravated contempt by all the respondents.

8. In view of the above, contempt is purged in view of the statement of the Contemnors.

9. In Civil Application No. 4733 of 2022 in Contempt Petition No. 269 of 2019, respondent No. 6, Mr. Godse has prayed for

recalling of the order of issuance of Non Bailable warrant. He is present in the Court. As such, the order dated 25th January, 2022 stands recalled and all such Civil Applications are disposed off.

10. The amount by way of cheques, which are shown to the Court, shall be deposited by the Contemnor in the Court, within one week from today. The petitioners are at liberty to withdraw the amounts strictly as per their respective shares, upon proper identification by Advocates, upon an undertaking that the shares payable to them are being withdrawn. For identification of the petitioners, they shall tender a copy of their Adhar Card duly attested, recent photographs and permanent address proof.

11. If there is any allegation of excess amounts withdrawn by any of the petitioners, the same shall be considered as an inter-se cause of action and the parties would be at liberty to seek redressal as may be permissible in law.

12. Pending all Civil Applications do not survive and are disposed off.

(ANIL L. PANSARE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE