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IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO.14 OF 2022

IN

PIL WRIT PETITION NO.32 OF 2018

KASHINATH P. TARI

... PETITIONER

Versus

**VINOD KUMAR AGARWAL
AND ANR.**

... RESPONDENTS

**Mr. Nigel Da Costa Frias with Ms. B. Andrade, Advocates for
the Petitioner.**

**Mr. Y.V. Nadkarni with Ms. Divya Shirgam, Advocate for the
Respondents.**

**CORAM: M. S. SONAK &
R.N. LADDHA, JJ.**

DATED: 24th AUGUST 2022

ORAL ORDER : (Per M.S. SONAK, J.)

1. Heard Mr. Costa Frias for the petitioner and Mr. Yogesh Nadkarni for the respondents.

2. By our order dated 07.06.2022, we had directed the respondent no.9 to inform the purchasers of the units in Phase III Part II not only about the pendency of the petition but further that their rights/occupation of the units would be subject to further orders in this petition. Respondent no.9 was directed to

file an affidavit within three weeks placing on record evidence about such intimation. Copy of such affidavit was to be furnished to the learned Counsel for the applicant.

3. On perusal of the intimation (pages 26 & 27) addressed by respondent no.1 to the purchasers of the units, we found that there was no compliance. On the contrary, certain aspirations were cast on the petitioner or some other persons. But the crucial fact about the pendency of this petition and that the rights of the occupants would be subject to further orders in this petition was not clearly mentioned.

4. However, today, Mr. Nadkarni tenders an affidavit filed by Mr. Vinod Kumar Agarwal, the Deputy General Manager of the respondent no.2 – Company. In this affidavit Mr. Agarwal has tendered an unconditional apology on his behalf as also on behalf of respondent no.2 – Company.

5. Along with the affidavit, Mr. Agarwal has enclosed a copy of the intimation dated 22.08.2022 by which the earlier intimation or rather the objectionable portions in the earlier intimation have been unconditionally withdrawn. Further, the occupants have been clearly informed about the pendency of the petition and further that their rights/occupation of the subject

units will be subject to further orders in the said petition. Even evidences about dispatch of this intimation have been placed on record.

6. Mr. Nadkarni, on instructions from the respondents, has further made a statement that the respondents will donate an amount of ₹50,000/- (Rupees Fifty Thousand Only) to the High Court Bar Association Library within two weeks from today to show their bonafides.

7. Considering the aforesaid, we think that this contempt proceedings can be disposed of by accepting the unconditional apology. The apology in this case is backed by proper compliance of our orders.

8. Mr. Nadkarni states that within two weeks the respondents will file on record necessary receipt from the High Court Bar Association.

9. This Contempt Petition is accordingly disposed of in the above terms.

R.N. LADDHA, J.

M. S. SONAK, J.