

SALGAONKAR
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.450 OF 2021
IN
WRIT PETITION NO.1737 OF 2013

Jayram Dhondiram Aher .. Petitioner

Versus

The State of Maharashtra through .. Respondents
Deputy Engineer & Ors.

...

Mr.Neel G. Helekar for the Petitioner.

Mrs.M.S.Bane, AGP for the State/Respondents.

Mr.Rahul Keval Patil, Assistant Engineer-Grade-I, Public
Works Division, Malegaon, present in the Court.

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CORAM: RAVINDRA V. GHUGE, J.

DATED : 25th FEBRUARY, 2022

P.C:-

1. The learned AGP has tendered a copy of the letter dated 22/02/2022 issued by the Executive Engineer, PWD Department, Malegaon addressed to the Superintendent Engineer, PWD, Nashik. The process to release Rs.11,09,468/- to the petitioner towards Section 17-B compliance is moved.

2. Shri Helekar, the learned Advocate for the petitioner, rightly makes a grievance that he has been made to run from

pillar to post. In a writ petition of 2013, an order of making payment under Section 17-B was passed on 07/12/2015. The review application was rejected on 02/04/2019. Yet, the petitioner has not been paid the dues.

3. In my view, the above conduct of respondent Nos.2, 3 and 4 can be said to be atrocious and deserving punishment under the Contempt of Courts Act. However, Shri Helekar fairly submits that his client is not interested in the punishment to the respondents. He is interested in his dues because he is starving. He further submits that the abovestated amount can be paid in short installments and this petition can be disposed off.

4. In view of the above, this petition is disposed off, subject to the following directions to the respondents :-

- (a) An amount of Rs.3,00,000/- shall be paid to the petitioner on or before 17/03/2022.
- (b) A further amount of Rs.3,00,000/- shall be paid to the petitioner on or before 31/03/2022.
- (c) A further amount of Rs.3,00,000/- shall be paid to the petitioner on or before 13/04/2022.
- (d) The remainder amount of Rs.2,10,000/- shall be paid to the petitioner on or before 30/04/2022.

5. This order is passed in the presence of Shri Rahul Patil, respondent No.4 who is present in the Court.

6. The respondents shall supply the details by which they have arrived at the figure of Rs.11,09,468/-, to the petitioner. In the event of any dispute as regards the calculation, the same shall be subject to the decision in Writ Petition No.1737 of 2013.

7. In the event of a default of a single installment, the petitioner would be at liberty to initiate contempt proceedings and in that situation, the conduct of the respondents shall be treated as aggravated contempt.

(RAVINDRA V. GHUGE, J.)