

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 291 OF 2022
IN
WRIT PETITION NO. 13427 OF 2017

Gurunath Dattatray Nadgonde and Ors. ... Petitioners

Versus

The State of Maharashtra and Ors. ... Respondents

...

Ms. Kanchan Phatak, Advocate for the Petitioners.
Mrs. M.S. Bane, AGP for the Respondent-State.
Mr. Vilas Tapkir, Advocate for Respondent No.3.

...

CORAM : NITIN JAMDAR AND
SHARMILA U. DESHMUKH, JJ.

DATE : 20 SEPTEMBER 2022

P.C. :

By this petition, the petitioners are praying that the respondents be punished for contempt for committing willful breach of the order dated 15 October 2018 passed in Writ Petition No.13427 of 2017. The Writ Petition No.13427 of 2017 was disposed of by the Division Bench of this Court (Coram: A.A.Sayed & Sandeep K. Shinde, JJ), accepting statements made on behalf of the Acquiring Body – Maharashtra Krishna Valley Development Corporation (MKVDC). One of the statements made which was

accepted by the Court that the ground rent will be paid, which reads as under:

“4. I say that, the ground rent due to the petitioner shall be paid to the petitioners as early as possible and preferably within six months from the date of order of this Hon’ble Court.”

2. In the Contempt Petition, the petitioners have contended that though the ground rent has been paid to the petitioners, the same is not as per the Government Resolution and it has to be calculated at the rate of 8% on the final Award. The petitioners have sought to question the calculation made by Respondent No.1 and have stated that the ground rent offered by Respondent No.1 is contrary to law and, it is on this basis that the Court is called upon to punish the respondents for contempt.

3. It is settled position in law that in contempt jurisdiction, Court does not embark upon the issues which have not been decided in the original order and the enquiry is restricted to ascertain as to whether there is willful breach or contempt of the judgment and order. The Writ Petition was disposed of on the affidavit of the Respondent-Acquiring Body that the ground rent as payable to the petitioners as due would be paid within a time stipulated therein.

There is no adjudication as to the exact quantum. According to the respondents, what is the due to the petitioner is paid. If the petitioner is not satisfied with the amount or questions the calculations, the appropriate course of action for the petitioners is to institute proceeding to challenge the calculation made by the respondent-Acquiring Body. This adjudication cannot be done in the contempt jurisdiction.

4. The Contempt Petition, is accordingly disposed of.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)