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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9425 OF 2022**

Siddhi Real Estate Developers Through its Authorised Signatory ...Petitioner
Versus
The State of Maharashtra Thr Office of Cabinet Minister of Energy & Anr ...Respondents

Mr Sachin Tigde, *for the Petitioner.*
Mr PG Sawant AGP, *with BV Samant AGP for the Respondent No.1-State.*
Mr Rahul Sinha, *with Udit Saxena i/b DSK Legal for Respondent No.2.*

**CORAM G.S. Patel &
Gauri Godse, JJ.**
DATED: 5th August 2022

PC:-

1. This matter is listed today at our instance on account of a singularly unfortunate and regrettable situation.
2. We heard the matter at length yesterday. We allowed the petition to be withdrawn with a certain liberty. Our order of 4th August 2022 reads thus:

“1. On obtaining instructions, learned Advocate for the Petitioner seeks leave to withdraw the Petition but with

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liberty to avail of provisions of Section 56 of the Electricity Act, 2003 and in particular the proviso to Sub-Section 1 on without prejudice basis.

2. Leave granted with liberty as prayed. There will be no order as to costs.

3. As regards the proceedings before the Consumer Grievance Redressal forum, all contentions are expressly kept open. The dismissal of this Writ Petition is without addressing merits and will not come in the way of the Consumer Redressal Forum addressing the merits of the case before it.”

3. This was after Mr Tigde had argued the matter for a considerable period of time. Among the submissions he made was that we should allow a deposit of 50% of the demand. This submission was made before us at least four times. We said clearly that we were not inclined to grant any such concession. It is after this that Mr Tigde took instructions and withdrew the petition with the liberty mentioned. Since the petition was withdrawn, there was no occasion to make any observation regarding the 50% deposit submission.

4. Late last evening, 4th August 2022, it was reported to one of us (GS Patel J) that Mr Tigde then went to the Private Secretary who had taken the dictation in court and asked him to include in our order a direction for a 50% deposit. The PS confirms he was told that no such direction had been passed but that “it should be there”. The PS quite rightly declined to do anything of the kind and sought directions from the senior staff attached to the chamber of Patel J. The instructions (from Patel J) were that no change was to be made

at the instance of an advocate to an order pronounced in open court and that the matter should be listed on the supplementary board today.

5. The PS in question is present in court. He confirms that it was Mr Tigde who approached him — he identifies him in Court — although Mr Tigde did not give his name to the PS, but only said he was for the Petitioner in Sr No 904 (the matter's position on 4th August 2022).

6. To our question to Mr Tigde why he went to the PS at all, there is no answer except to first offer an apology, which we decline to accept. It is not sincere, and it is offered only because we have taken the trouble to list the matter and pointed all this out. Second, Mr Tigde claims that all that he sought was a clarification or an understanding of what it was that order said. There could have been no reason to seek such clarification. The order was pronounced in open court and, whatever else may be said about us, no one has yet said we are inaudible. If anything, quite the reverse. Especially with an amplification system in place. No such clarification could have been sought from our secretarial staff. It could only have been sought from court on an appropriate application.

7. This is nothing but a sharp practice. It is conduct unbecoming and we express our grave displeasure at this attempt to change a judicial order pronounced in open court, and to do so without a hearing in court and without notice to the other side. Had Mr Tigde succeeded in his endeavour, not only would the Respondent have

been prejudiced, but its advocate would have been perfectly justified in complaining that an order was changed to something totally different from what was dictated and pronounced in open Court. And our secretarial staff might well have lost his job. None of this seems to have occurred to Mr Tigde.

8. He would do well to know from now on and for the rest of his time at the bar, that while he owes a duty to his client, he is first and foremost *an officer of the Court* and his primary duty is to the Court.

9. For this one last time, we refrain from taking any stricter action against Mr Tigde. We do put him to notice that if there is a single instance hereafter, he will face the full brunt of the law.

10. In the interest of all staff and all benches, we direct the Court Associate/Sheristedar to forward a copy of this order to the Registrar-General, the Registrar (OS) and the Prothonotary & Senior Master for issuing, if thought fit, appropriate instructions to all secretarial staff about entertaining requests from advocates and litigants.

(Gauri Godse, J)

(G. S. Patel, J)