

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.330 OF 2022

Mahadev Namdev Alias Zanzu Patil And Ors. ...Petitioners
Versus
Sanjay Mukherjee, Vice Chairman And Managing Director ...Respondents
Cidco And Ors.

AND

CONTEMPT PETITION NO.377 OF 2022

Damaji Hari Patil And Ors. ...Petitioners
Versus
Sanjay Mukherjee, Vice Chairman And Managing Director ...Respondents
CIDCO And Ors.

Shri.Sachin S. Punde, for Petitioners.
G.S.Hegde a/w.Ms.PM.Bhansali, for Respondent-CIDCO.
Smt.M.S.Bane, A.G.P, for State-Respondents.

CORAM : R.D. DHANUKA &
M.M. SATHAYE, JJ.

DATED : 4th JANUARY, 2023

P.C. :

1. We have perused the order dated 11.11.2022 passed by this Court in Contempt Petition No.330 of 2022. According to the statement made by the learned counsel for the Respondents, the aspect pointed out by the Petitioners would be looked into upon calculations made by the Petitioners annexed to the additional affidavit and that would be examined and would be informed to the Court as to where the Petitioners fell short in calculation. We are informed that no further order is passed by the Respondents on the short fall in calculation as

canvassed by the Petitioners on the basis of the calculation annexed to additional affidavit.

2. We accordingly direct Respondent No.4 to consider the calculations made by the Petitioners annexed to the additional affidavit. The copy of such calculation is already furnished to the learned counsel for the CIDCO by the Petitioners. If any additional copy is required to be served upon Respondent No.4 or on the office of Government Pleader, learned counsel for the Petitioners to furnish such copy within 48 hours' from today. The CIDCO would be also at liberty to file calculation, which according to them, would be payable to the Petitioners towards the short fall, if any, within one week from today with a copy to be served upon the Petitioners' counsel simultaneously.

3. Respondent No.4 to grant personal hearing to the Petitioners as well as CIDCO through their authorized representative or respective counsel and after granting personal hearing and considering the short fall, if any, as may be pointed out by both the parties, to pass an order in respect of the balance amount payable, if any, to the Petitioners in accordance with law.

4. It is made clear that this order shall not be used as a precedent in any other matter. The order has to be passed by Respondent No.4 within four weeks from the date of the parties appearing before Respondent No.4. The Petitioners as well as CIDCO shall be granted 72 hours' clear notice for hearing. The order that would be passed shall be served to both the parties

within one week from the date of passing such order. If any amount falls short, according to the order that would be passed by Respondent No.4 and found payable to the Petitioners, the State Government shall call upon the CIDCO to deposit the additional amount with Respondent No.4 within four weeks from the date of communication of such order. The CIDCO in that event shall deposit the short fall amount, if any, within four weeks from the date of requisition of such amount by Respondent No.4.

5. The Contempt Petitions are disposed off in the abovesaid terms.

6. Place these matters on board for reporting and compliance after eight weeks.

(M.M. SATHAYE, J.)

(R.D. DHANUKA, J.)