



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION NO. 228 OF 2023
IN CRIMINAL WRIT PETITION NO. 713 OF 2022 (D)

(M/s. K.B. Associates, through its Partner Sau. Rohini Nilay Band Vs. Dr. Sau. Arti Abhay Kelkar & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Ms Sejal Lakhani, Counsel for the applicant/petitioner.
Shri T.D. Mandlekar, Counsel for non-applicant no.1.
Shri A.R. Chutke, Additional Public Prosecutor for non-applicant no.2.

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CORAM : ANIL L. PANSARE, J.
DECEMBER 4, 2023.

By the present application, the applicant/original petitioner has sought the following relief :

"i. Grant an extension of one additional month from the expiration of the initial two-month period directed by this Hon'ble Court vide order dated 04.10.2023, in the interest of justice."

2] The extension has been sought in a vague manner as could be seen from the prayer as also the pleadings in paragraph 5 of the application. The applicant seeks extension on the facts and circumstances surrounding the compliance of order passed by this Court as also the ongoing legal proceedings. Thus, the applicant is not seeking extension to comply the order but is seeking extension for the so-called circumstances

surrounding the compliance and the ongoing legal proceedings.

3] The applicant should be mindful of the fact that the District Consumer Disputes Redressal Commission, Nagpur (hereinafter referred to as “District Commission”) vide order dated 21/6/2022 had convicted the applicant for the non-compliance of the order dated 7/6/2014 by which the applicant was directed to provide the amenities as assured in the Agreement of Sale entered into between the applicant and non-applicant no.1 herein. The applicant was arrested in terms of the order dated 21/6/2022 passed by the District Commission. The applicant challenged the said order before the Consumer Dispute Redressal Commission, Maharashtra State, Mumbai, Circuit Bench At Nagpur (hereinafter referred to as “State Commission”). In the meantime, the applicant had approached this Court and assured to provide amenities in terms of the said agreement. On the basis of such assurance, this Court was pleased to direct release of the applicant vide order dated 26/8/2022.

4] The applicant had challenged the order dated 4/10/2022 passed by the State Commission which was dismissed by this Court vide the order under question. This Court while dismissing the challenge granted two months time to the applicant to surrender before the District Commission with liberty to the applicant to provide remaining amenities as assured by her to the non-applicant no.1 herein. It was further directed that if the facilities are so provided, she shall be

released forthwith on satisfaction of the District Commission of providing such facilities.

5] The applicant has come-up with a case that she has provided the remaining amenities as assured by her. However, the applicant has not placed on record satisfaction of the District Commission of providing such amenities. In other words, the applicant has not approached the District Commission in compliance to the order passed by this Court.

6] The record indicates that the order which was passed by the District Commission in the year 2014 has not been complied with even till today. The applicant being a women was given liberty time and again. It however appears that the applicant for one reason or another is not willing to comply the order passed by the District Commission.

7] That apart, the applicant has filed the present application on the last date of her time to surrender before the District Commission and is seeking urgent relief. The applicant ought to have approached the District Commission if at all she has provided remaining amenities. Her pleading that she has provided remaining amenities will have to be understood in the context of her conduct, in the sense, had she really provided the remaining amenities, she would have approached the District Commission and satisfied it of compliance of its order. Instead, the applicant has filed the present application seeking one month time, which prayer has

been noted hereinabove. The prayer does not justify the extension of one month's time.

8] The learned Counsel for the applicant submits that Special Leave Petition has been filed before the Hon'ble Supreme Court on 1/12/2023 challenging the order passed by this Court, which again is filed at the fag end of expiry of time given to surrender. This conduct coupled with the enormous period for which the order of the year 2014 has been not complied with, makes the applicant not entitled to any relief. The application is accordingly rejected.

(ANIL L. PANSARE, J.)

Sumit