

Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA
CONTEMPT PETITION NO. 1 OF 2024
IN
WRIT PETITION NO.484 OF 2023**

PARADISE APARTMENTS COOPERATIVE
HOUSING SOCIETY LIMITED,
THROUGH ITS SECRETARY,
BABURAO BHAVANKAR

... Petitioner.

Versus

STATE OF GOA, THROUGH
ITS CHIEF SECRETARY
AND 3 OTHERS.

... Respondents.

Mr Gauravvardhan Atmaram Sinai Nadkarni, Advocate for the
Petitioner.

Mr P. Arolkar, Addl. Govt. Advocate for Respondents No.1, 2 & 3.

Mr Byron Rodrigues, Advocate for Respondent No.4.

**CORAM : M. S. SONAK &
VALMIKI SA MENEZES, JJ.**

DATED : 23rd January 2024

P.C.:-

1. Heard Mr Gauravvardhan Nadkarni for the Petitioner, Mr P. Arolkar, learned Addl. Govt. Advocate for Respondents No.1 to 3 and Mr Byron Rodrigues for the Fourth Respondent.
2. The Petitioner's complaint was that an Award, in its favour, was not being executed. The Petitioner pointed out that the

Petitioner was being made to run from pillar to post to obtain execution of this Award.

3. The Fourth Respondent, against whom the Award was made, had yesterday undertaken to make the payment in installments towards satisfaction of the Award. This was recorded by us in our order dated 22/01/2024, which reads as follows:

“1. Mr Rodrigues, based on instructions from Mr Jayant Natekar who is present in Court, states that Jayant Natekar will pay to the Petitioner Society an amount of ₹50,000/- within two months from today constituting approximately 25% of the dues/arrears which have mounted since 2007. He further states that Mr Jayant Natekar will pay an amount of ₹5,000/- each month until all arrears are cleared. He further says that Mr Jayant Natekar will from the month of February 2024 start paying ₹500/- per month towards the current maintenance charges to the Society. Mr Rodrigues states that all these statements may be regarded as undertakings of Mr Natekar. Mr Rodrigues states that, besides, even a written undertaking to the above effect will be filed by tomorrow in this Court.

2. The statements made are now accepted as undertakings to this Court.

3. The matter is now posted on 23.01.2024 to enable Mr Natekar to file the written undertaking.

4. Stand over to 23.01.2024.”

5. Today, the Fourth Respondent has filed an affidavit before us, which reads as follows :

“I, Mr. Jayant Natekar, son of Mr. Natekar, aged 54 years , residing at Flat no.4, Building no. A-1, Paradise Apartments, near St Josph’s High School, Aquem Alto, Margao, Goa, solemnly affirm and state and undertake as under :

1. I say that I am conversant with the aforesaid matter and I have read and understood the contents of the Contempt Petition.

1. I say that I undertake to pay an amount of Rs. 50,000 (Rupees Fifty Thousand Only) to the Petitioner Society i.e Paradise Apartments Co-operative Housing Society Ltd within 2 months from this date.

2. I say that I undertake to pay Paradise Apartments Co-operative Housing Society an Monthly amount of Rs. 5,500 (Rupees Five Thousand and Five Hundred Only) to the Petitioner Society from February 2024 till payment of arrears and completed.

3. I say that I will continue to pay Paradise Apartments Co-operative Housing Society the monthly maintenance to the society after the payment of arrears.

4. I say that contents of this Affidavit cum undertaking are true to my best of knowledge and no part of it is false.

Solemnly affirmed on this 23rd day of January, 2024 at PORVORIM Goa.”

6. We accept the undertakings in the affidavit and based upon the same, discharge the notice for contempt. Mr Rodrigues, on behalf of the Fourth Respondent states that the Fourth Respondent is today present in the Court that that he will comply with the undertakings given to this Court. The affidavit is taken on record and marked "X" for identification.

7. Accordingly, this contempt petition is disposed of by discharging the notice issued to the Respondent and accepting the above undertakings.

8. All concerned to act on an authenticated copy of this order.

VALMIKI SA MENEZES, J.

M. S. SONAK, J.

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S MHAMAL

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