

Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION (ST) NO. 25484 OF 2024

IN

WRIT PETITION NO. 3416 OF 2021

The Commissioner Municipal for the City of ...Applicants  
Kolhapur & Anr

*In the matter between*

Monito Export Pvt Ltd ...Petitioner

*Versus*

State of Maharashtra & Ors ...Respondents

WITH

CONTEMPT PETITION NO. 353 OF 2023

Monito Export Pvt Ltd thr. Its Director ...Petitioner  
Prashant Changdeo Ghumare

*Versus*

State of Maharashtra & Ors ...Respondents

---

**Mr Dilip Patil Bankar, Senior Advocate, with Abhishak Patil,**  
*i/b, Abhijit Adgule, for Applicant in IAST/25484/2024.*

**Mr P D Dalvi, with for Petitioner in CP/353/2023.**

**Mr Dilip Patil Bankar, Senior Advocate, with Abhishak Patil,**  
*i/b, Suresh Kamble, for Respondent No. 4 in*  
*CP/353/2023.*

**Ms M P Thakur, AGP, for Respondent-State.**

---

Digitally  
signed by  
AMOL  
PREMNATH  
JADHAV  
Date:  
2024.09.12  
16:53:12  
+0530

CORAM M. S. Sonak &  
Kamal Khata, JJ.  
DATED: 11 September 2024

PC:-

1. Heard learned Counsel for the parties.
2. This Petition had alleged contempt of directions issued by us in our order dated 19 April 2023 in Writ Petition No. 3416 of 2021.
3. In terms of the above order, the corporation had to sanction the layout plan of the Petitioner within eight weeks pursuant to the order made by the Hon'ble Minister of State for Urban Development on 5 November 2018.
4. Since, no sanction was granted by the corporation within eight weeks, this Contempt Petition was instituted. After the institution of this Contempt Petition, by order dated 19 August 2024, the corporation has sanctioned the layout plan subject to certain terms and conditions. An Affidavit is also filed explaining the delay and seeking for extension of time.
5. In this matter, if the corporation was unable to comply with our directions within eight weeks, an application should have been filed within eight weeks giving cogent reasons and seeking extension of time. This has not been done. Still, post facto, an application has been filed. Considering the reasons set out in the said application, we accept the explanation and

on this occasion, refrain from initiating from any contempt proceedings. However, in future, the corporation must comply with our order within the timeline indicated. If at all, there are serious difficulties in compliance, an application for extension of time must be filed before the expiry of the timeline indicated and orders should be obtained for extension.

6. Mr. Dalvi, learned Counsel for the Petitioner submits that the corporation has inserted certain conditions which are incapable of compliance or otherwise illegal and arbitrary in the layout sanctioned. In a Contempt Petition, it is not for us to adjudicate upon the validity or otherwise of such conditions. However, we grant the Petitioner liberty to question such conditions by resorting to appropriate remedies as may be available to the Petitioners under the law. The fact that we have disposed of this Contempt Petition does not mean that we have accepted such conditions or we have examined the validity of such conditions.

7. All contentions of all parties in this regard are expressly left open.

8. The Contempt Petition and Interim Application are disposed of with liberty in the above terms. There shall be no order for cost.

(Kamal Khata, J)

(M. S. Sonak, J)