

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.324 OF 2019

Digitally
signed by
ATUL
GANESH
KULKARNI
Date:
2024.01.15
16:26:36
+0530

Maharashtra Engineering Plastic
and General Kamgar Union & Anr.

... Petitioners

V/s.

City and Industrial Development
Corporation of Maharashtra
Limited & Anr.

... Respondents

Mr. Jamshed Cama, Senior Advocate with Mr. Paul I.
Poulose, Mr. T.V. Louis, Mr. Aniruddha Lad i/by KLT
Law Associates for the petitioners.

Mr. G.S. Hegde, Senior Advocate with Mr. Y.M. Pendse
i/by Ms. P.M. Bhansali for the respondent/CIDCO.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 15, 2024

PC.:

1. The petitioners have filed present contempt petition alleging willful disobedience of order dated 3 May 2016 in Contempt Petition No.92 of 2011. This Court while disposing of the said contempt petition directed the respondents therein as under:

“3. ... Accordingly, dues payable to 30 employees, who are listed in Annexure-1 to the complaint (i.e. other than the aforesaid 74 employees who are claimed to have been paid dues), who have not received any dues as per the record produced by the Respondents, are ordered to be deposited in the Industrial Court within a period of four weeks from today. The amount so deposited by the Respondents shall be invested by the Registrar of the Industrial Court Thane in

fixed deposit of a nationalized bank for a suitable period. The amount is roughly ascertained at Rs.74 lacs. Accordingly, the Respondents shall deposit Rs.75 lacs in the Industrial Court at Thane, within a period of four weeks from today.”

2. It is undisputed fact that the respondents have deposited Rs.75 lakh in the Industrial Court, Thane. Therefore, there is substantial compliance of the order.

3. Learned Senior Advocate seeks permission to withdraw the amount. Grant of such permission to withdraw will exceed contempt jurisdiction of this Court. Only scope of contempt petition is to ascertain whether the order of which breach is alleged has been willfully disobeyed or not. In view of deposit of Rs.75 lakh by the respondents, there is substantial compliance.

4. The remedy available for the petitioners is to apply before the Industrial Court for withdrawal of such amount. If such an application is filed, the Industrial Court Thane shall decide such application in accordance with law within eight weeks from the date of filing such application.

5. Learned Senior Advocate for the respondents states that such adjudication is already done. It is not for this Court to adjudicate upon this issue as such controversy will be within the jurisdiction of the Industrial Court.

6. The contempt petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)