

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 220 OF 2023
IN
CONTEMPT PETITION NO. 81 OF 2021
IN
WRIT PETITION NO. 5386 OF 2011

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The Deccan Papers Mills Company Limited ...Petitioner

Versus

State Of Maharashtra and Ors. ...Respondents

.....

Ms. Meena H. Doshi for the Petitioner.

Mr. M.M. Pabale AGP for Respondent Nos. 1,2 and 5.

Mr. Abhijit Kulkarni a/w Mr. Gaurav Shahane, Krushna Jaybhav
for Respondent Nos. 3 and 4-PMC.

.....

CORAM : NITIN JAMDAR &
M.M.SATHAYE, JJ.

DATE : 16 JANUARY 2024

P.C.:

. The Petitioner had filed a writ petition bearing no. 5386 of 2011 in this Court. It was disposed of by the following order:

“1. When this matter was placed before us today and our attention was invited to the original records, it is apparent that the Pune Municipal Corporation has already constructed the road. Now, that part of the obligation is discharged. However, when we called upon the learned AGP and through her the Special Land Acquisition Officer to produce the original

records, we are shown a letter from the original records to the effect that the Special Land Acquisition Officer on 13th August 2018 and 17th June 2019 informed the Deputy Commissioner of the Municipal Corporation, in-charge of land acquisition that so long as the amount of compensation is not deposited with the Special Land Acquisition Officer, he cannot declare the award.

2. It is common ground and as conceded by Mr Kulkarni appearing for the Municipal Corporation that the amount has not been deposited. It is also contended that the amount of compensation will have to be determined in terms of the new law, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 and Section 24 thereof.

3. In the above circumstances, and when the petitioner can obtain the compensation in terms of the new law and its applicable provisions, we do not think that the writ petition should be kept pending. That procedure will have to be completed by the Corporation and should the Corporation fail to complete the same, then, all the consequences in law will follow.

4. It is evident that for this procedure to be followed, the amounts will have to be made available to the Special Land Acquisition Officer.

5. It is stated that the same would be done as expeditiously as possible.”

(emphasis supplied)

As seen from this order, in the underlined portion the statement of the counsel for the Municipal Corporation that amount is not

deposited was noted and also contention that amount of compensation will have to be determined in terms of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. In these circumstances, the Court found that it was not necessary to keep the petition pending when the Petitioner could obtain compensation in terms of new law and that procedure will have to be complied with.

2. Yet the contempt petition bearing No. 81 of 2021 is filed wherein an order was passed on 19 September 2022 in which it was directed that amount of Rs.8,31,20,720/- with accrued interest therein would be deposited by the Special Land Acquisition Officer within two weeks. Thereafter, Contempt Petition was disposed of by the said order.

3. As regard amount of Rs.8,31,20,720/- is concerned, it is an admitted position that Petitioner has received the same. Now Petitioner seeks to debate regarding accrued interest. According to Petitioner accrued interest is not paid. According to the Respondent-Corporation, accrued interest will have to be understood right from order passed on 19 September 2022 wherein the interest from the deposit by Corporation, till it is disbursed is to be given to the Petitioner.

4. Here the interpretation placed by the Respondent-Corporation

cannot be considered as frivolous or contemptuous. The learned counsel for the Respondent-Corporation is right in contending that in the order passed in Writ Petition there was no adjudication as to what would be the compensation as per the new law neither there was any adjudication as to what would be the compensation as per new law and it would depend on factual aspects. No time limit was set. The scope of contempt jurisdiction is settled by a catena of the decisions of the Supreme Court that a fresh adjudication not done in the original proceedings cannot be done by way of contempt jurisdiction. According to us, taking the matter further in contempt petition again would be exceeding the scope of contempt jurisdiction.

4. Therefore keeping all the issues open for the Petitioner to place substantive proceedings, we dispose of the Contempt Petition.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)