

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17261 OF 2024

G. B. Industries Reg. Partnership firm through its Partners ...Petitioner

Vs.

Smt. Minakshi Balasao Magdum & Ors.

...Respondents

Mr. S. R. Ganbavle i/b. Mr. Ruturaj Pawar for Petitioner.

Mr. A. I. Patel, Addl. GP with Ms. M. S. Bane, AGP for State.

Mr. R. M. Haridas i/b. Mr. Prasad Kulkarni with Ananda Chavan for
Respondent Nos.1 to 3.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATED: 06 DECEMBER 2024

P.C.

1. Today Mr.Deshpande has tendered an affidavit of Mr. Tejusing Pawar, Additional Collector in regard to the concerns and his conduct as noted by us in paragraphs 18 and 19 of the order dated 28 November 2024. We are not satisfied with this affidavit at all. Mr. Deshpande is at pains to inform that even as an officer of the Court, he is not agreeable to such affidavit as filed by Mr. Tejusing Pawar, Additional Collector. It, therefore, appears to be very clear that our observations in the orders, are not followed by the officer in filing the affidavit, as also what has been informed by us is that he appears to be an obstinate officer. The said affidavit is taken on record.

2. We may also observe that the conduct of Mr. Pawar in filing such affidavit is, in fact, in breach of our orders and for which we reserve to pass appropriate orders in this regard, on the adjourned date of hearing.

3. We therefore direct Mr. Tejusing Pawar, Additional Collector to remain present in this Court as he has refused to file an affidavit as observed by us in paragraph 19. However, in the event the officer is inclined to place on record an appropriate affidavit, the same be submitted through the Advocate representing respondent No.4, there shall not be any further adjournment. If such an affidavit is not placed on record on the adjourned date of hearing, our directions to remain present the said officer before the Court, shall operate.

4. We may also note that the observations as made against Mr. Pawar are quite serious and more particularly acting as a Public Officer, we may request the Secretary, Ministry of Revenue to take note and examine the conduct of this officer and more particularly dealing with the Court orders and an appropriate view in this regard be taken and a report / compliance in this regard be placed on record of this Court.

5. Insofar the petitioner – G.B. Industries is concerned, as observed by us in the order dated 2 December 2024 a cheque of the cost as awarded by us was handed over to respondent No.1 and the same is now stated to have been encashed.

6. In this view of the matter, we accept the compliance of our orders and vacate the directions as issued by us in paragraph 26. The result would be that the petitioner is free to operate all its bank accounts. The banks to act on the authenticated copy of this order.

7. Only insofar as the compliance of our orders dated 28 November 2024 in relation to the affidavit of Mr. Tejusing Pawar, we adjourn the proceeding to **10 December 2024. First on Board.**

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)