

Wadhwa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.199 OF 2024
IN
WRIT PETITION NO. 11282 OF 2019

Pramod Vasant Belsare & Ors ...Petitioners

Versus

Aseem Kumar Gupta & Ors ...Respondents

Mr Sidheshwar Biradar, *for the Petitioners.*

Mr Kedar Dighe, *for Respondent No.2-PCMC.*

Ms MP Thakur, AGP, *for the Respondent-State.*

CORAM. M.S. Sonak &
Kamal Khata, JJ
DATED: 21st August 2024

PC:-

1. Heard learned counsel for the parties.
2. On 12 August 2024, we made the following order:-

“1. *Ms Thakur, learned AGP based on instructions from Mr Mangesh Deshpande, Town Planner, ADTP, Pune Branch, who is present in the Court, states that revised demand towards premium under Section 50 of the Maharashtra Regional and Town Planning Act, 1966*

(MRTP Act) in the context of the rates as of the date of this Court's order dated 05 September 2023 will be supplied to the petitioners in the next 2 days.

2. Learned counsel for the petitioners had objected to the rate of premium on the ground that such rate was not the rate prevalent on the date of the judgment of this Court.

3. Learned counsel for the petitioners, on instructions, states that if revised demand based on rates as of 05 September 2023 are furnished, the petitioners will pay the premium as per those rates so that the reservation of the subject land can be deleted.

4. List this matter on 20 August 2024."

3. Pursuant to the above order, revised demand notices were issued to the Petitioners, and the Petitioners have also made the payments according to the revised demand notices. Ms Thakur, the learned AGP, and Mr Dighe for PCMC admit that the Petitioners have indeed made payments according to the revised demand notices.

4. Ms Thakur, on instructions, states that the required deletion notification will be positively issued within four weeks from today, i.e., on or before 18 September 2024, without raising any further

issues. This statement, made on instructions, is accepted and based upon the same, this Contempt Petition is disposed of.

5. However, the Respondent-State will have to file the compliance report in this Court along with a copy of the deletion notification by 25 September 2024 and furnish it to the Petitioners.

6. If no notification is issued and a compliance report is filed, we will take a severe view of this matter. The Petitioners, who have succeeded in their case, should not be made to institute Contempt Petitions and keep pursuing the matter to obtain the fruits of their success.

7. Only on account of the assurance given by Ms Thakur, based on instructions, are we disposing of the Contempt Petition instead of keeping it pending. Therefore, the compliance report must be filed by the above date.

8. List the matter on 27 September 2024 to consider the compliance report.

(Kamal Khata, J)

(M.S. Sonak, J)