

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 321 OF 2024

Bharat R/ Rajwani (Gangotri) ...Petitioner
Versus
Ulhasnagar Municipal Corporation through ...Respondent
its Commissioner Mr. Aziz Shaikh

Ms. Minal Chandnani a/w Urusal M. Irfan, Mr. Sumeet
Gamnani , *for the Applicant in Contempt Petition.*
Mr.Vijay Patil ,*for the Respondent No.1.*

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 19th August 2024

PC:-

1. Heard learned counsel for the parties.
2. Admittedly, there is a delay in complying with the directions we issued in our order dated 16 June 2023. Learned counsel for the Petitioner states that the orders finally made by the Corporation are also grossly incorrect, and in that sense, directions issued by us have not been complied with.
3. If the corporation's order is incorrect, illegal, or wrong, the Petitioner can always challenge it according to the law. However,

that is not a ground for initiating a Contempt Petition against the Corporation.

4. The Corporation, however, admittedly flouted timelines indicated in our order dated 16 June 2023. Mr. Patil while sincerely tendering apology submits that the original Petitioner sought adjournment and delayed the matter.

5. The original Petitioner in Writ Petition No.7210 of 2023 had much to gain by delaying the matter. The Corporation should not have indulged the original Petitioner and granted adjournments from time to time. Therefore, the explanation now offered for the delay is not quite convincing.

6. In this case, the Corporation's Official did not even have the courtesy to file an affidavit explaining the delay. A mere apology by the counsel, however, indenture by cannot be accepted. The apology must come from the Commissioner or official responsible for not complying with the timelines set out by us. The apology is also not a matter of some formality. In the present case, we leave the matter at that; however, if this attitude persists, we have to consider strict action under the Contempt of Courts Act.

7. Therefore, we dispose of this Contempt Petition without initiating any strict action against the Corporation's officials for not complying with the timelines we set in our order dated 16 June 2023. However, we direct the Corporation to pay the costs of Rs.10,000/—to the Petitioner in this Contempt Petition.

8. This is because the Contempt Petitioner had to institute it, and only then did the Corporation comply with our order. The Corporation must pay the costs to the Petitioner within three weeks from today.

9. This Contempt Petition is disposed of.

10. As noted above, it is clarified that if the corporation's orders aggrieve the Petitioners, they are at liberty to challenge them following the law, and all contentions in this regard are kept open.

(Kamal Khata, J)

(M.S. Sonak, J)