

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 382 OF 2024

RR Enterprises through its Proprietor Rashad Ahmad Mujawar ...Petitioner

Versus

State of Maharashtra & Ors ...Respondents

Mr. Karl Tamboly, *a/w Aniket Kamble, i/b Onkar Warange, for the Petitioner.*

Ms. S.D. Vyas, Addl.GP, *a/w S.D. Chipade, AGP for Respondent-State.*

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**
DATE : OCTOBER 21, 2024

PC :

1. The above Contempt Petition is filed alleging contempt of an order passed by a Division Bench of this Court on 7th May, 2024 in Writ Petition No.4263 of 2024. Notwithstanding anything mentioned in the Contempt Petition, the only grievance of the Petitioner appears to be that though they have dredged 88487.83 brass of sand from the river gat, the Petitioner has only been paid 90% of the amount due on 19454.89 brass of sand excavated. It appears that the grievance of the Petitioner is that the Government is refusing to pay the Petitioner for

the balance amount because the same has not been stored in the sand depot.

2. In other words, from what is stated in paragraph 21 of the Contempt Petition, it appears that the Petitioner has excavated 88487.83 brass of sand. Out of this amount, the total of 19454.89 brass of sand is sold from the sand depot and 90% of this amount has been paid to the Petitioner while 10% is the retention amount as per the contract dated 10th October, 2023. It is stated that 4999.94 brass of excavated sand is available at the depot and 64033 brass of sand is available in the designated landing spots which are duly approved by the Respondents. According to the Petitioner, it has not been paid for either the 4999.94 brass lying at the depot or the 64033 brass available in the landing spots which are duly approved by the Respondents. It is in this light, that the Contempt Petition is filed.

3. Since this is the narrow controversy in the present Petition, to put an end to the whole matter, we would like the District Mining Officer / any Officer designated by the Collector to determine whether what is stated in paragraph 21 is factually correct. If the District Mining Officer / any Officer designated by the Collector comes to the conclusion

that in fact the Petitioner has dredged 88487.83 brass of sand from the river gat, he should file an affidavit in this Court stating so and also how the State proposes to pay the Petitioner for the amount of sand actually excavated. In order to enable the District Mining Officer / any Officer designated by the Collector to undertake this exercise and file an affidavit in this Court, we now place the above matter on board “For Directions” on 26th November, 2024. The affidavit shall also be served on the Adv

4. ocates for the Petitioner before the next date.

5. Stand over to 26th November, 2024.

6. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]