

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 406 OF 2024

Abhinav Angirish	.. Petitioner
Versus	
Aditya Kedia	.. Respondent

WITH
CONTEMPT PETITION NO. 417 OF 2024

Abhinav Angirish	.. Petitioner
Versus	
Aditya Kedia	.. Respondent

WITH
CONTEMPT PETITION NO. 407 OF 2024

Abhinav Angirish	.. Petitioner
Versus	
Aditya Kedia	.. Respondent

AND
CONTEMPT PETITION NO. 408 OF 2024

Abhinav Angirish	.. Petitioner
Versus	
Aditya Kedia	.. Respondent

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- Mr. Rahul Kamerkar, Advocate through VC a/w. Aparajita R. Jha, Advocate for Petitioner.
 - Mr. Rohan Savant a/w. Mr. Anant Ratnaparkhi, Kavish Arora, Advocates i/by IC Legal for Respondent.

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CORAM : MILIND N. JADHAV, J.
DATE : OCTOBER 09, 2024.

P.C.:

1. Heard Mr. Kamerkar, learned Advocate for Petitioner through VC and Mr. Savant duly assisted by Mr. Ratnaparkhi, learned Advocate for Respondent.

2. Mr. Kamerkar would submit that there are four Contempt Petitions filed in respect of non-compliance and non-adherence of four identical orders dated 22.02.2024 passed by the learned Trial Court in proceedings under Section 138 of the Negotiable Instruments Act, 1881, *inter alia*, which called upon Respondent (who is common in all four Contempt Petitions) to deposit amount of compensation to the extent of 20% of the cheque amount in the Court. The total amount under the cheque was Rs.2.05 crores whereas 20% would amount to approximately Rs.41 lakhs.

3. Mr. Savant, learned Advocate for Respondent would submit that pursuant to the said order Respondent has filed Criminal Writ Petition (St.) Nos.8554 of 2024, 8555 of 2024, 8556 of 2024 and 8560 of 2024 to challenge the said orders which are pending in this Court. He would submit that Respondent made earnest attempt to get the Writ Petitions listed and heard but they are still pending and Respondent is unable to secure any ad-interim / interim order therein.

4. In addition to the above, Mr. Savant would submit that at the time of securing bail before the Trial Court, Respondent was put to a condition of deposit an amount of Rs.1.60 crore in respect of the same cause of action. He would submit that undoubtedly the Court hearing the case under Section 138 laid this as a pre-condition for grant of bail, but the cause of action is the same.

5. He would inform the Court that Respondent has deposited the amount of Rs.1.60 crore as a pre-condition to secure bail. He would submit that this is one of the ground that has been taken by Respondent in the Writ Petitions which have been filed to challenge the order dated 22.02.2024 requiring and calling upon Respondent to deposit 20% of the amount of the cheque.

6. Though, Mr. Kamerkar would submit that the cause of action in respect of the aforementioned twin proceedings may be the same, but they relate to two different proceedings altogether. He would submit that the condition imposed on the Respondent for pre-deposit of the amount for securing bail should not be considered or appreciated by this Court since the direction to deposit 20% of the total amount is under a specific statutory provision.

7. I have taken cognizance of Mr. Kamerkar's submissions and it would be undoubtedly considered by this Court. However, since a substantive challenge is maintained to the order dated 22.02.2024, I permit Respondent before me to move the appropriate Court and obtain appropriate ad-interim / interim directions / reliefs. Considering that the present proceedings are Contempt Petitions, an opportunity is required to be given to Respondent to oppose the Contempt Petition considering the pendency of the Writ Petitions. I expect the Respondent to move the appropriate Court and obtain appropriate order in the next four weeks.

8. Hence, stand over to 13th November 2024.

[MILIND N. JADHAV, J.]

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