

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 507 OF 2024
IN
WRIT PETITION NO. 4376 OF 2017.

Sreenivasan Valadi Vayyattu, Mumbai ...Petitioner.

Versus

Suresh Chakre, Joint District Registrar/Collector of
Stamps and Others. ...Respondents.

Mr. Govind Javeri for Petitioner.

Ms. V.S. Nimbalkar, AGP for Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : November 25, 2024.

P. C. :

1. Heard.
2. By this petition, contempt is alleged of the order dated 28th November, 2023 passed by this Court in W.P. No. 4376 of 2017. By clause (iii) of the said order, this Court directed the Respondents to pay Rs.6,11,600/- with interest at the rate of 6% p.a. from the date of lodging of the claim for refund of stamp duty, i.e. 8th February, 2013 with applicable deductions.
3. Learned counsel appearing for the Petitioner would submit that the Respondents while complying with the said order has deducted 10% of the amount which could not have been deducted. He would

further submit that the copy of the order was not served upon the Petitioner and he was not heard. He would further submit that the refund was not within the reasonable period and it was refunded in June, 2024.

4. Perusal of the order dated 28th November, 2023 would indicate that what was directed by this Court to be done is the payment of Rs.6,11,600/- with interest at the rate of 6% p.a. from 8th February, 2013 with applicable deductions. The Respondent-Authority while making the payment has deducted certain amount. The order of 28th November, 2023 does not clarify the deductions which would be applicable in that case and in the absence of any such clarification, if there is dispute as regards the deduction from the said amount, the petitioner is required to adopt appropriate remedy for challenging the said order qua the deductions. As regards the refund not being done within the reasonable time, Clause (iii) of the order, of which contempt is alleged, has not specified any time limit within which the payment had to be made and in any event, the order directs the payment of interest from the date of lodging of claim of refund of stamp duty.

5. As regards the non supply of the copy of the order or non-hearing, in exercise of contempt jurisdiction, this Court cannot go into said issue and the Petitioner will have to adopt appropriate remedy. While adjudicating the contempt petition, this Court is expected to

consider whether there is wilful and intentional disobedience of order of this Court. If any disputed question of fact arises, in exercise of contempt jurisdiction, the same cannot be adjudicated by this Court and the remedy of the petitioner is to adopt appropriate proceedings for adjudicating the disputed question.

6. In light of the above, the Contempt Petition is without merits and stands dismissed.

[Sharmila U. Deshmukh, J.]