

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1833 OF 2022

Laxman Shivaji Godse and Ors.Petitioners

Vs.

State of Maharashtra and Ors.Respondents

WITH

REVIEW PETITION NO.117 OF 2024

IN

WRIT PETITION NO.1833 OF 2022

All India Shri Shivaji Memorial

Society (AISSMS) and Ors.Petitioners

Vs.

Laxman Shivaji Godse and Ors.Respondents

Mr. Vaibhav Kulkarni a/w Ms. Disha Rathod a/w Mr. Yash Agarwal
for the Petitioners.

Mr. Srikrishna G. a/w Mr. Shantanu Patil a/w Mr. Kunal Nalwade
for the Respondent.

Adv. Anjali Helekar for Respondent No.3.

Ms. Ashwini A. Purav for Respondent Nos. 8, 9 and 11.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 10th DECEMBER, 2024

P.C. :-

1. It is obvious that the Review Petition preferred by the Management, with reference to the order of this Court dated 25th April, 2024, was kept pending. When we passed an order dated 5th December, 2024 the learned Advocate for the Management informs us that the order of this Court 5th December, 2024 calling upon the Management to explain as to why contempt notice should not issued for disobedience of the order, has been challenged in an SLP.

2. The learned Advocate pointed out an earlier order passed by a Co-ordinate bench of this Court dated 8th November, 2023 in Contempt Petition No.163 of 2018, wherein the same Management was facing contempt proceedings, since it was noticed to have misled the Court. It was recorded in paragraph No.7,8,9,10, and 11 as under:

“7. However, we may also note that responding to Mr. Ganbavale’s statement on the two accounts as disclosed to the Court, Mr. Deshmukh, learned counsel for the petitioner submits that what has been provided to the Court, is an incorrect information. He has tendered before us independent auditors reports for the year 2020-2021 and 2021-2022 which

discloses about 13 banks Accounts of the institution namely All India Shri Shivaji Memorial Society's College of Engineering Kennedy Road, Pune. From such document we also note that the total closing balance of the said accounts as on 31 March 2021 was 2,33,25,789,35. There are some other significant aspects which are also required to be noted namely that there is an inter institutional transfer of Rs.14.47 crores and Rs.11.95 crores as seen in the receipts and payment account for the year ending 31 March 2021.

8. According to Mr. Deshmukh, all this would clearly go to show that there were always sufficient funds which were available and the disobedience of the orders passed by this Court was intentional as clearly observed by the Division Bench of this Court in its order dated 21 July 2023.

9. In our opinion, considering the material before us, as noted above, we would permit an opportunity being given to the respondents contemnors to show their bonafides and take up the contempt proceedings for appropriate orders to be passed on the adjourned date of hearing. Our above observations in no manner can be construed as any lenient view being taken on the contempt proceedings and we shall pass appropriate orders after hearing learned counsel for the parties and as the situation may permit.

10. Needless to observe that the calculation of statement in regard to the arrears and interest payable to each of the petitioners be separately indicated by way of a chart / statement, which be furnished to the petitioner as also be placed on record.

11. Except for withdrawing the amounts to be paid to the petitioners, our directions in paragraph (4) of the order shall continue to operate till the adjourned date of hearing. “

3. Since the Management has approached the Hon’ble Supreme Court, we are listing this petition after vacation on **8th January, 2025** in the same category.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)