



Darshan Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO. 78 OF 2024
IN
WRIT PETITION NO. 633 OF 2023

Arvind Sarnappa Vani ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

WITH
WRIT PETITION NO. 633 OF 2023

Arvind Sarnappa Vani ...Petitioner
Versus
The State of Maharashtra and Ors. ...Respondents

Mr Sujeet Kurup, for the Petitioner.
Mr Dhaval Sethia, a/w Adv Mansi Jain i/b Adv Pratibha
Rupnawar, for Respondent No.4.
Ms Shweta Patankar, for the Respondent-BMC.
Ms Usha Rahi, AGP, for the Respondent-State.
Mr Adhav – J.E. B.F.-K/East Ward – Present.

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 09 September 2024

PC:-

1. Heard learned counsel for the parties.

2. The petitioner has alleged contempt of our order dated 21 February 2023 in Writ Petition No. 633 of 2023. By this order, we had directed the 3rd respondent in the petition i.e. the Assistant Commissioner, BMC, K-East Ward to consider the petitioner's representation dated 20 December 2021 and decide thereon within 6 weeks. The decision was directed to be communicated to the petitioner and the 4th respondent. This 6 weeks' time expired on 04 April 2023. Still, the Assistant Commissioner neither applied for any extension of time nor decided the petitioner's representation. The petitioner was forced to file Contempt Petition No. 78 of 2024. It is only after the Contempt Petition was filed that the Assistant Commissioner has made an order dated 23 August 2024 disposing of the petitioner's representation. Still, no affidavit has been filed by the Assistant Commissioner explaining why the timeline set out in our order dated 21 February 2023 was not complied with.

3. It has become almost routine for the BMC officials not to comply with this Court's orders. Rarely any extension is sought and parties are forced to file Contempt Petitions to secure compliance. This is yet another case of such a genre.

4. Learned counsel for the petitioner raised some objections to the order made. However, such objections cannot be adjudicated upon in the Contempt Petition. If the petitioner is aggrieved by the order dated 23 August 2024, the petitioner is always at liberty to challenge the same in accordance with law.

5. Learned counsel for the 4th respondent, on instructions, states that the 4th respondent has complied with the directions in the order dated 23 August 2024. Even this position is disputed by the learned counsel for the petitioner.

6. Accordingly, though we are not initiating any contempt proceedings against the Assistant Commissioner for not following our orders, we direct the BMC to pay costs of Rs.10,000/- to the petitioner within two weeks from today i.e. by 23 September 2024. Such costs must then be recovered by the BMC from the precise Assistant Commissioner who was responsible for non-compliance with our order thereby forcing the petitioner to institute this Contempt Petition.

7. The compliance report must be filed in this Court by 07 October 2024.

8. The petition is disposed of in the above terms.

(Kamal Khata, J)

(M.S. Sonak, J)