



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

SUO MOTU CONTEMPT PETITION NO.1 OF 2024
IN
CIVIL APPLICATION (CAF) NO. 529 OF 2024
IN
FIRST APPEAL NO. 303 OF 2021 (D)

Court on it's Motion
.VS.

Mr. S.S. Munnoli, the Executive Engineer, Bembla Project Division, Yavatmal
(i.e. respondent No.3)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr. Rajesh Nagpure, Advocate for applicant in CAF No.529/2024.
Mr. M.A. Kadu, Advocate for the respondent No.3 in CAF No.529/2024.
Ms. Mukta Kavimandan, AGP for respondent/State in CAF No.529/2024.

CORAM : G.A. SANAP, J.
DATE : APRIL 29, 2024.

Heard.

2. This proceeding has been initiated as suo moto contempt proceeding. There was delay on the part of the officials of V.I.D.C. to deposit the amount within six weeks from the date of judgment and order dated 27th October, 2023, uploaded on 01st November, 2023. Pursuant to the service of contempt notice, an affidavit has been filed by the contemnor. In his affidavit, he has placed on record the

actual state of affairs. Two Advocates appearing for V.I.D.C. have filed their respective affidavits.

3. It is seen on perusal of the affidavits that the Advocates have categorically stated in their affidavits that the order dated 27th October, 2023 uploaded on 01st November, 2023 was communicated on 27th December, 2023. It is also pointed out that on 15th January, 2024, the cheque of the amount of compensation was prepared and it was received by the Advocate on 22nd January, 2024. Learned Advocate for V.I.D.C. submits that the delay in depositing the amount is not intentional. It is pointed out that administrative procedure took time. The Advocates in their affidavits have admitted that there was a delay in communicating the order. It is seen that from the date of communication of the order, on 27th December, 2023, the cheque was prepared on 15th January, 2024 and the same was deposited on 28th March, 2024 by the Advocate.

4. On going through the affidavit filed by the contemnor, it is seen that he has tendered unconditional apology. In this proceeding, the entire amount has already been deposited. Learned Advocate for the applicant/claimant submits that the purpose has been served. In my view, this is not a case to directly held the Officer responsible for this mess. In any case he has tendered the apology. The apology is accepted.

5. In view of this, the suo moto contempt proceeding is dropped.

6. In order to avoid such instances or lapses on the part of the officials of the Vidarbha Irrigation Development Corporation in future, it would be appropriate to forward the copy of this order to the Executive Director of the Vidarbha Irrigation Development Corporation for information and for issuing appropriate instructions to all concerned.

7. The Registrar (Judicial), shall forward the copy of this order to the Executive Director, Vidarbha Irrigation Development Corporation , Sinchan Bhavan, Nagpur.

(G. A. SANAP, J.)

Kirtak