

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

44 CONT. PETITION NO. 638 OF 2021
IN WP/12790/2018

Dilip Jayram Suryawanshi

VERSUS

The State Of Maharashtra And Another

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Mrs. Vaishali B. Suryawanshi - Advocate for the Petitioner

Mr. S. D. Ghayal – Addl.G.P. for Respondent/State

Adv. P. V. Gole h/f Mr. V. D. Gunale - Advocate for Respondent No. 2

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CORAM : R. G. AVACHAT
AND
NEERAJ P DHOTE, JJ.

DATED : 10TH FEBRUARY, 2025

PER COURT : -

1. This Contempt Petition is filed for non-compliance of the order dated 03.12.2019 passed in Writ Petition No. 12790 of 2018, by which the following directions were issued.

“3. Once the order has been passed by the Industrial Court and confirmed by this Court, it was not open for the respondent to again pass the same order that was set aside by this Court. The respondent’s act of passing the order dated 03.09.2018 directing recovery from the petitioner would be sitting over the order passed by this Court. The same is not permissible. In light of that, the impugned order is set aside. The respondent shall refund the amount recovered from the petitioner within the period of three months.

4. Writ Petition accordingly allowed. No costs.”

2. The learned Advocate appearing for the Answering Respondent No. 2 submits that the order has been complied with. He invited our attention to the affidavit-in-reply filed by Respondent No. 2. We have perused the said affidavit-in-reply. In paragraph no. 3, it is stated that the Corporation, on 22.11.2022, forwarded the amount of Rs.2,16,437/- and Rs.1,23,000/- by RTGS in the account of the Petitioner. The copy of the communication is enclosed with the affidavit-in-reply. There is unconditional apology in the said affidavit for delay.

3. In view of the above, it is clear that the order of this Court has been complied with by the Answering Respondent No. 2. Nothing remains for pendency of the Petition and as the order is complied with, the Contempt Petition is disposed of.

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde