

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.156 OF 2024

Dr Dnyanaba Baliram Range .. Petitioner
Vs.
The State of Maharashtra & Ors. .. Respondents

Mr. Vinayak R. Kumbhar a/w Mr. Rajendra B. Khaire, Advocates for the
Petitioner.

Mr. S. H. Kankal, AGP for Respondent No. 1.

Mr. Ashish S. Gaikwad a/w Mr. Anirudh R. Rote and Ms Rutuja V.
Pendkalkar, Advocates for Respondent Nos. 2 and 3.

CORAM : SHREE CHANDRASHEKHAR &
MANJUSHA DESHPANDE, JJ

DATE : 14TH AUGUST 2025.

P.C. :

Being aggrieved by delay in complying with the order dated
27th March 2023 passed in Writ Petition No. 14575 of 2018 and
connected matters, the petitioner has filed this contempt petition
alleging wilful and intentional violation on the part of the contemner-
respondents. By an order dated 27th March 2023, this Court passed the
following directions in the aforementioned batch of writ petitions:

*“(i) The impugned order to the extent of recovery is quashed and
set aside.*

*“(ii) The order with regard to re-pay fixation done is not
interfered with.*

*“(iii) The amount, if recovered from the petitioners, shall be
refunded to them within 4 (four) months.”*

2. Mr. Vinayak R. Kumbhar, the learned counsel for the petitioner
submits that the amount recovered from the petitioner on the ground of
wrong fixation of pay-scale has been refunded without any interest.
The learned counsel for the petitioner further submits that the writ
Court has issued a direction to the contemner-respondents to refund the

amount recovered from the petitioner within four months but such refund has been made to him after inordinate delay without giving plausible explanation. On the other hand, Mr. Ashish S. Gaikwad, the learned counsel appearing for the Zilla Parishad, Thane submits that the aforesaid order passed by the writ Court was challenged before the Hon'ble Supreme Court and a Special Leave Petition filed by the Zilla Parishad, Thane came to be dismissed only on 1st April 2024. The learned counsel for the contemner-respondents further submits that in the order dated 27th March 2023 passed by this Court, no direction was issued to the respondents for payment of interest on the recovered amount from the petitioner.

3. Having regard to the aforesaid rival submissions made on behalf of the parties, we are inclined to observe that in a contempt proceeding this Court cannot award interest to the petitioner over delayed payment of the amount recovered from him. However, we may observe that there is no explanation offered by the contemner-respondents as to delay after 1st April 2024 for non-payment of the amount recovered from the petitioner. We are also inclined to observe that if the petitioner takes out a proceeding seeking interest over the delayed payment of the amount recovered from him, and if his claim is found sustainable and justifiable, the amount of interest may be recovered from the Officer who was at fault in not processing and making payment of the amount so recovered from the petitioner.

4. Contempt Petition No. 156 of 2024 is disposed of.

[MANJUSHA DESHPANDE, J.]

[SHREE CHANDRASHEKHAR, J.]