

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 601 OF 2024.

IN

FIRST APPEAL STAMP NO. 31510 OF 2014.

Chordia Landmarks Realty Private Limited

...Petitioner.

Versus

Employees State Insurance Corporation And Others

...Respondents.

Adv. Suresh Sabrad and Adv. Gaurav S. and Neha Zanje for the Petitioner.

Mr. Sujeet Kurup for the Respondent-ESIC.

Mr. Rohan Savant and Adv. Sushmita Gandhi, Adv. Anamika Singh, Adv. Grishma Dalvi, Adv. Kartika Garg i/by Indus Law for the Respondent Nos. 2 and 6.

Mr. Vikas Katewa, Branch Manager present.

Ms. Anu Thomas, Branch Manager Respondent No. 6 present.

Coram : Sharmila U. Deshmukh, J.

Date : March 17, 2025.

P. C. :

1. Contempt is alleged of the order dated 25th October, 2024 by which this Court had permitted the Applicant to continue his business operation and operate the bank account till the next date subject to deposit of 50% of the entire amount within a period of two weeks from that date. In the said order there was typographical error as instead of stay on freezing of the bank account the order stayed the de freezing order. The said order was communicated to the Bank and ESI Corporation by the Advocate with a request to permit them to operate the account.

2. In view of the typographical error, the Bank sought directed the Application to seek necessary clarification from the Court and interpreted the order to mean that the Bank account is temporarily permitted by this Court to be operated only for the purpose of deposit of 50% of the amount and accordingly once the amount of 50% was withdrawn, the accounts were again frozen. This has led to the filing of the present Contempt Petition by the Petitioner not only against the Bank but also against ESI Corporation.

3. As regards the ESI Corporation the allegation was that ESI Corporation has, despite the order of 25th October, 2024, again directed the Bank to freeze the account which, Mr. Sawant, would fairly submit was not the case and no instructions were again received from the ESI Corporation which led to the freezing of the account once again. As such there is no contempt committed by ESI Corporation.

4. As far as the Bank is concerned an affidavit has been filed on behalf of the Deputy Bank Manager for himself and on behalf of the Respondent No. 2-Indusind Bank tendering unconditional apology. It is stated in the affidavit that the order was mis interpreted to mean that only temporary operation of the account is permitted by this Court only for the purpose of withdrawing amount for deposit of 50% and the interpretation has occurred due to the typographical error.

5. As the order which directed the stay of de freezing order

instead of the freezing order has resulted in the confusion and unconditional apology has already been tendered, the Contempt Petition is not taken further and stands disposed of.

[Sharmila U. Deshmukh, J.]