

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1764 OF 2025

VAIBHAV
RAMESH
JADHAV
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Date: 2025.04.24
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Arar Property Management Services

Through Partner

... Petitioner

V/s.

Micro and Small Enterprises Facilitation

Council, Mumbai & Ors.

... Respondents

Mr. Aslam Khan for the petitioner.

Mr. Ayesha Pinto with Sushrut Desai i/by Saamya
Partners for respondent No.4.

Ms. Sulbha D. Chipade, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 24, 2025

P.C.:

1. This Court, by its earlier order dated 8th April 2025, had directed respondent No.1—through its Member Secretary—to comply with specific directions. The said order unequivocally required the Member Secretary to file appearance and to furnish a copy of the impugned order which is the subject matter of the present proceedings. Furthermore, keeping in view the importance of ensuring the efficacy and dignity of the adjudicatory process, the Court had directed her to remain personally present on the next date of hearing, i.e., 24th April 2025. The said order contained a clear stipulation that failure to comply would

constrain this Court to resort to coercive measures, including issuance of a warrant of arrest to secure the presence of the concerned officer.

2. Judicial notice is taken of the fact that the said order was duly served and that no application has been moved either seeking exemption from personal appearance or requesting modification of directions. The conduct of the concerned officer—namely, Poonam Darade, Member Secretary, Micro and Small Enterprises Facilitation Council (MSEFC), Mumbai Region and Deputy Director of Industries (MMR), Mumbai—is not only in derogation of the express directions of this Court but also borders on willful disobedience of the mandate of a judicial forum, which cannot be countenanced.

3. The rule of law is foundational to the functioning of constitutional democracy. Orders passed by Courts are not mere recommendations; they carry the force of law and are binding upon all—more so upon public functionaries discharging statutory obligations. The absence of any appearance or compliance, despite clear warning, discloses a prima facie attitude of indifference and defiance, which strikes at the heart of judicial authority and hampers the cause of justice.

4. In view of the above, this Court is left with no alternative but to direct issuance of coercive process for securing the presence of the said officer. Accordingly, a non-bailable warrant in the sum of ₹10,000/- shall issue against Poonam Darade, Member Secretary, MSEFC, Mumbai Region and Deputy Director of Industries (MMR),

Mumbai, having her office at 702, 7th Floor, Vikas Centre, Dr. C. Gidvani Marg, Near Basant Theatre, Chembur (East), Mumbai – 400074. The warrant shall be executed through the jurisdictional police station, and the said officer shall be produced before this Court on 30th April 2025 without fail.

5. The Registry is directed to coordinate with the police authorities concerned and ensure the prompt service and execution of this warrant. Compliance report shall be placed on record on or before the said date.

6. Stand over to **30 April 2025**.

(AMIT BORKAR, J.)