

Sayali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 86 OF 2025

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DEEPAK
UPASANI

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Date: 2025.03.10
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Sarojini Arjunrao Pawar through
POA Holder Avinash Pawar

...Petitioner

Versus

Usha V. Vishwasrao

...Respondents

Mr Sanjay Dubey through VC with Ms Pooja Bhatt, for
Petitioner.

Ms M.S. Bane, AGP for State-Respondent.

CORAM: M.S. Sonak &
Jitendra Jain, JJ.

DATED: 07 February 2025

PC:-

1. Heard Mr Sanjay Dubey, learned Counsel for the
Petitioner.

2. The Petitioner alleges contempt of our order dated 25
October 2024, the operative portion of which reads as
follows:-

i. The Petitioner is permitted to make an
application/ representation to the SLAO to point out any
deficiency which ought to have been taken into
consideration in making original award dated 10th April
2017.

ii. In the event after hearing the petitioner's
application/ representation, the SLAO is of the opinion
that the Petitioner is correct in her contention on any
aspect, touching the award the SLAO is free to pass an
additional award considering the peculiar facts of the

case. Respondent No.2 shall also extend all cooperation in early disposal of the petition before the SLAO.

iii. The detailed application/representation of the petitioner be filed with the SLAO within a period of two weeks from today which be decided by the SLAO after hearing the Petitioner and representative of Respondent No.2, within a period of six weeks. All contentions of the parties in that regard are expressly kept open.

iv. However, before closing this proceedings we may sound a note of caution to Mr. Prasad Gaikwad, Deputy Director, Town Planning, Pimpri Chinchwad Municipal Corporation, that in relation to the Court matters and all official issues involved therein when rights of the citizens are involved, he should be more diligent in dealing with all the issues including the petitioner's case, and not prevent appropriate information from being placed before the Court. With such note of caution, we do not take matter any further.”

3. Pursuant to the above order, the Petitioner made a representation on 11 November 2024. This representation has been disposed of after hearing the Petitioner by order dated 19 December 2024.

4. The Petitioner is dis-satisfied with dispose of. Therefore, possibly on legal advice this Contempt Petition is instituted. In this Contempt Petition, we could not examine the merits of the order dated 19 December 2024 and either confirm the set-aside the same. For that, the Petitioner will have to take out independent proceedings.

5. In a Contempt Petition, we could only examine whether our order dated 25 October 2024 was complied with or not. In paragraph (ii) of our operative order, we had only observed that the SLAO would be free to pass an additional Award, if

he is of the opinion that the Petitioner is correct in her contention on any aspect, there was no opposite direction to accept the Petitioner's case and pass an additional Award. Even the timeline indicated by us in our order to comply with.

6. At this stage, learned Counsel for the Petitioner states that he will withdraw this Contempt Petition with liberty to file appropriate proceedings to challenge the order dated 19 December 2024.

7. Leave is granted with liberty as prayed for.

8. All contentions of all parties are left open.

9. Contempt Petition is disposed of with liberty in the above terms.

(Jitendra Jain, J)

(M.S. Sonak, J)