

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 189 OF 2025
IN
WRIT PETITION NO. 1429 OF 2025

Mr.Basant Singh Tiwari ... Petitioner
versus

Mr.Siddhartha Mohanty, Chairman,
Life Insurance Corporation of India & Ors. ... Respondents

Mr.Ram U.R. Singh with Mr.B.K.Mishra for the Petitioner.
Mr.Ajay G. Khaire with Ms. Tamanna Bafna for Respondent Nos. 1
to 4- LIC.

CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.

DATE : 09TH APRIL, 2025

P.C. :-

1. On 3rd February, 2025, we had passed an order in Writ
Petition No. 1429 of 2025, concluding in paragraph nos. 3,5 and 6,
(there is no paragraph with number 4), as under:

*“3. The learned Advocate for the Respondents
opposes this Petition contending that this Court
cannot exercise its jurisdiction as if it is dealing with
a recovery suit. There are several disputed aspects
and this Court should not deal with the disputed
issues, keeping in view the law laid down by the
Hon’ble Supreme Court in the case of Assistant
Commissioner (CT) LTU Kakinada & Ors. v. M/s.*

Glaxo Smith Kline Consumer Health Care Limited.¹

5. We are unable to entertain this Petition primarily for the reason that the High Court cannot exercise its jurisdiction under Article 226 of the Constitution of India for the purposes of recovering unpaid amounts, as if the High Court is dealing with a recovery suit. Secondly, the record before us clearly indicates that there is a serious dispute raised by the LIC as against the Petitioner and for some reasons, commission amounts have not been released from May, 2022. However, if there is an undisputed amount towards commission, which can be paid by the LIC to the Petitioner, we can take cognizance of the said aspect.

6. In view of the above, ***this Writ Petition is disposed off*** with the following directions :

a) If there are any undisputed amounts towards commission, payable by the Respondents LIC to the Petitioner, such undisputed amounts be paid, within a period of 30 days from today;

b) Since the Petitioner has been entering into correspondence with the Respondents LIC through legal notices, let the Respondents inform the Petitioner in writing as to what are the complaints against him and which are the components on which there is a dispute. Let this exercise be completed within a period of 30 days;

c) After the Petitioner receives the information from the Respondents, he would be at liberty to prefer a Civil Suit for the disputed issues, within limitation, since the limitation is said to end by April, 2025;

1 [2020] 4 S.C.R. 602

d) All contentions are kept open.

2. It is obvious that this Court had declined to entertain the Writ Petition in the light of ***Assistant Commissioner (CT) LTU Kakinada & Ors. v. M/s. Glaxo Smith Kline Consumer Health Care Limited. [2020] 4 S.C.R. 602.*** We had, however, observed on sympathetic ground, that the undisputed amount be paid by the employer and if there is any further dispute with regard to the quantum of arrears, the Petitioner would file a recovery suit.

3. The learned Advocate representing the Respondents - LIC submits that the amount is Rs. 2,97,474/-, has been deposited in the account of the Petitioner. The learned Advocate representing the Petitioner submits that the calculations will be more than Rs. 20 lakhs.

4. The learned Advocate for the Respondents- LIC has submitted that the statement calculating the undisputed amount is also served on the Petitioner.

5. In view of the above, we do not find that the Respondents could be branded of having intentionally, deliberately

and willfully disobeyed our order. Rather, we had not passed any order against the LIC, save and except an observation that undisputed amount be paid and on the disputed amount, the Petitioner to file a Recovery suit.

6. In view of the above, **this Contempt Petition is dismissed.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)