



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SUO MOTU CONTEMPT PETITION NO.4/2025

IN

WRIT PETITION NO.3287/2021

(Court on its own Motion Vs. Shri Sudhakar Rao Naik and others)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Ms. Gauri Venkatraman, Advocate for the petitioners.
 Ms. K.H. Bhondge, A.G.P for respondent Nos.1 and 2.
 Mr. N.P. Lambat, Advocate for respondent No.3.
 Mr. J.B. Kasat, Advocate for respondent No.4.
 Mr. F.T. Mirza, Senior Advocate with Mr. Paresh Thakur, Advocate for respondent
 Nos.5 and 6.

CORAM: NITIN W. SAMBRE & MRS.VRUSHALI V. JOSHI, JJ.

DATED: 24.3.2025.

Heard.

2. In para 7 of the affidavit dated 17.6.2024, duly sworn by the Secretary of the respondent No.5-Trust, following liability is admitted:-

“7. That, the remaining petitioners in the present petition are admittedly being paid the agreed salary from August, 2023. Prior to that from April, 2022 to July, 2023 50% of the agreed salary was paid to the petitioners who were in service during that period. Deducting that amount now an amount of Rs.13,78,42,711 is outstanding against the answering respondents. Copy of a chart giving details to that effect is annexed herewith and marked as ANNEXURE-4.”

The calculations of the said liability is reflected at page No.981 of the writ petition.

3. The period from which the said amount is due and payable is from November 2018 to July 2023.

4. The fact remains that till this date not a single penny of the said amount is paid inspite of there being directions by this Court as to be inferred from the detailed order dated 10.7.2023.

5. It is brought to our notice by Mr. Mirza, learned Senior Advocate that at page 980 an amount of Rs.13,88,60,547/- was paid to the petitioners, however, details of the dates on which the same is paid is not reflected.

6. Since the respondents admitted the liability of Rs.12,36,26,423/- and since 2021 the said amount is due and payable to the petitioners for which this Court has granted enough accommodation in view of assurances given by the respondents, we deem it appropriate to direct the respondent Nos.1 and 2 to clear the entire arrears of Rs.12,36,26,423/- with interest at the rate of 8% per annum in any case by 29.4.2025.

7. The aforesaid order will not preclude this Court from proceeding against the respondents under the Contempt of Courts Act. We are equally sensitive to the fact that proceedings initiated by the respondent Trust for accepting change report under the Maharashtra Public Trust Act is informed to be pending with the Assistant Charity Commissioner.

8. However, said change report will hardly have any bearing on the issue particularly when since 2021 at each and every stage this Court has shown indulgence in the matter of satisfying their financial liabilities towards the salary receivable by the petitioner employees.

9. Stand over to 2.5.2025.

10. Needless to clarify by the said date in case if the liability is not cleared, the respondent Nos.1 and 2 so also in case if the change report is accepted, the newly added trustees, shall physically remain

present before this Court so that this Court will be able to frame charge under the Contempt of Courts Act.

11. However, we deem it appropriate to post the matter on 16.4.2025 so as to have the progress as regards the satisfaction of the liability. We further make it clear that no adjournment on whatsoever count shall be granted on 2.5.2025 including that of extension of time having regard to the fact that since last four years this Court time and again has granted accommodation to the respondents.

12. As far as the issue of exemption to the respondent No.1 is concerned, he is physically present in the Court. Medical report sufficiently establishes his adverse health condition. That being so, we permit the said respondent to connect virtually on the next date of the hearing.

13. As regards the claim of the respondent No.2 for grant of exemption is concerned, but for an affidavit no material is brought on record to justify the claim.

14. That being so, we were intending to issue non-bailable warrant against Mr. Manohar S/o Rajusingh Naik, aged 82 years, Secretary of Janta Shikshan Prasarak Mandal, Pusad, District Yavatmal. However, on an assurance given by Mr. Mirza, learned Senior Advocate that the respondent No.2 shall appear on the next of hearing, we grant the said request subject to costs of Rs.2,00,000/- to be deposited in this Court within a period of two weeks from today.

(MRS.VRUSHALI V.JOSHI, J.)

(NITIN W. SAMBRE, J.)