NISHA SANDEEP CHITNIS

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO.88 OF 2024
IN
WRIT PETITION NO.2514 OF 2015

Prabhulal Lalji Thakkar and Anr. ...Petitioners
Versus
Municipal Corporation of Greater Mumbai and Ors. ...Respondents

Mr. Siddhant Trivedi with Mr. Aayu Saxena, Mr. Aayush Modi, Mr. Ashray Dave and Ms. Hritika Shroff, for the Petitioners

Ms. Shweta Patankar h/f Mr. Shailendra Sardar i/b Ms. Komal Punjabi for the Respondent No.1– M.C.G.M.

Mr. Yash Tiwari with Mr. Dawood Chauhan for the Respondent Nos.2 and 3.

CORAM: BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.

DATE : 22nd OCTOBER 2026

P.C. **:**

1. The Contempt Petition alleges disobedience of the order passed by the Division Bench of this Court on 31st March 2023, wherein this Court recorded that the petitioners were ready and willing to enter into a Permanent Alternate Accommodation Agreement (PAAA) with respondent Nos. 2 and 3, and the learned

counsel representing respondent Nos. 2 and 3 also expressed a consensus. He further made a statement that the agreement would be entered into within a period of four weeks from the date of passing of the order.

2. The Contempt Petition alleges disobedience of the aforesaid order on the ground that, despite the undertaking given by the learned counsel representing respondent Nos. 2 and 3 that such an agreement would be entered into within a period of four weeks, the stipulated timeline has not been adhered to.

3. The learned counsel for the petitioners himself invites our attention to a communication dated 21st August 2023, enclosing a draft of Agreement for Permanent Alternate Accommodation. However, the petitioners responded by stating that the draft agreement was not in consonance with the understanding arrived at, and that the statement made before this Court was on the basis that the PAAA to be executed in their favour would be on an ownership basis.

4. In our view, the aspect of providing the PAAA on an ownership basis was not agreed to by respondent Nos. 2 and 3 when the order was passed on 31st March 2023. What was agreed to by respondent Nos. 2 and 3 was only that a PAAA would be entered into within a period of four weeks. In these circumstances, we are of the view that the alleged disobedience cannot be said to be wilful, particularly when a draft agreement was exchanged but the petitioners did not agree to its terms and conditions. We, therefore, find no reason to proceed further with the contempt proceedings against the respondents and drop the same.

ASHISH S. CHAVAN, J. *BHARATI DANGRE, J.*