

Ajay

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

CONTEMPT PETITION NO. 354 OF 2024

Eknath Mahadev Bhagwat and Ors.

.. Petitioners

Versus

Hindustan Antibiotics Limited and Ors.

.. Respondents

.....

- Ms. Ashmita Goradia a/w. Ms. Priyanka Dadpe, Advocates i/by Aagam Doshi for Petitioners.
- Mr. Arun S. Pawar, Advocate for Respondent No.1.

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CORAM : MILIND N. JADHAV, J.

DATE : JULY 10, 2025.

P.C.:

1. Heard Ms. Goradia, learned Advocate for Petitioners and Mr. Pawar, learned Advocate for Respondent No.1.

2. This is a Contempt Petition. Compliance of directions contained in the judgment and order dated 27.09.2023 is required to be done by Respondent No.1 – Company. Learned Advocate for Petitioners would submit that in respect of Petitioner Nos.1 and 3, compliance has been effected. However she would submit that said Petitioners still have a grievance about non-payment of some quantum of interest amount of approximately Rs.4,000/- - Rs.5,000/- to them.

3. Contention of Petitioners' Advocate is refuted by Advocate for the Company stating that they have fully complied with the order in respect of Petitioner Nos.1 and 3 as directed by the Court and the

additional demand of interest by the said Petitioners is on account of compound interest which is not due and payable.

4. Learned Advocate for Petitioners would submit that in so far as compliance in respect of Petitioner No.2 – Mr. Ramesh Tukaram Narawade is concerned, for the first time on 02.07.2025, Respondent – Company has raised an issue, *inter alia*, pertaining to continuity in service of the said Petitioner and have informed that the said Petitioner would be eligible for payment of gratuity for 22 years only in view of he not having completed the mandatory 240 days of service during the years 2002 – 2003 and 2003 – 2004. She would submit that this objection is raised for the first time by the Company in 2025 and the same was never raised either before the Commissioner, the Appellate Authority nor before this Court when the Writ Petition was decided.

5. After hearing both the learned Advocates and perusing the record, it is *prima facie* seen that if Respondent – Company has to be heard with respect to any change or modification of the order on the basis of its Affidavit-in-Reply, the same cannot be done by this Court in the Contempt Petition which is filed. Be that as it may, since it is an admitted fact that Company's stand qua Petitioner No.2 has been raised for the first time on 02.07.2025 and it was never raised earlier before the Commissioner, the Appellate Authority and this Court when the judgment and order dated 27.09.2023 was passed, I direct the

Company to deposit the differential amount, *inter alia*, pertaining to Petitioner No.2 which according to the Advocate for Petitioners is computed at approximately Rs.1,06,000/-. According to the Advocate for Petitioners the principal amount for Petitioner No.2 is Rs.26,942/- and with interest added to the same it would be in the region of Rs.1,06,000/-. The calculation shall be informed by the learned Advocate for Petitioners to this Court in the Rejoinder to be filed to the Affidavit-in-Reply of the Respondents. Copy of the Affidavit-in-Reply on behalf of Respondent No.1 filed by Deepak Eknath Bhujbal, Senior Officer (HR & Legal) of the Company is taken on record today. Copy of the same is given to the Advocate for Petitioners.

6. Let the Rejoinder be filed within a period of two weeks from today. Let the deposit of the aforesaid amount of Rs.1,06,000/- be made in this Court within a period of two weeks from today by the Company without prejudice to the rights of the Company and subject to hearing the Contempt Petition.

7. In so far as the deferential amounts with respect to Petitioner Nos.1 and 2 are concerned, learned Advocate for Petitioners fairly points out that it would be in the region of approximately Rs.4,000/- - Rs.5,000/- each. That can be taken care of by the Court when the Contempt Petition is heard after the Respondent – Company deposits the aforesaid amount as directed without prejudice to its rights and

contentions.

8. List the Contempt Petition on Board on **24th July 2025**. To be placed under the caption '**For Directions**'.

[MILIND N. JADHAV, J.]

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