

MPB

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

CONTEMPT PETITION NO. 677 OF 2024

The General Secretary, the Best Workers
Union ... Petitioner

V/s.

The Best Undertaking,
Through General Manager and Ors. ... Respondents

Neeta Karnile, Senior Advocate i/by Piyush Todkar for
the petitioner.

Vishal Talsania along with Heena Sheikh, Aditi Giri
i/by MV Kini & Co. for the respondents.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 12, 2025

P.C.:

1. The petitioner asserts that the respondents have shown clear and deliberate disregard for the order of this Court dated 2 November 2023. The focal point of grievance is Clause 2.8 of the said order. It reads as follows.

“In the meantime, the Respondent Undertaking is directed to hold membership drive afresh as per Consent Terms dated 10.08.2018 filed in Writ Petition No. 985 of 2018 on or before 31.12.2023.”

2. This direction was precise. It required no further clarification. The obligation flowed from the consent terms voluntarily accepted by the parties. A consent order binds the parties as firmly as any adjudicated decree. When the Court records consent terms, the corresponding duty is not optional. It

must be fulfilled within the stipulated time. The record does not show any request for extension or modification. The petitioner is therefore justified in pointing out that compliance was expected by 31 December 2023 in a clear manner.

3. The petitioner states that Opponent Nos. 2 to 4 did not fulfil the mandate of the consent terms by the fixed date. The petitioner has pointed out that even after the expiry of one full year, no tangible step has been taken to hold the membership drive. This inaction assumes seriousness because the obligation was not merely contractual. It had been merged into a judicial order. The respondents were served with the present contempt petition on 13 December 2024. They have chosen not to file replies. Silence in the face of specific allegations does not assist the respondents. A party that stands accused of non-compliance is expected to lay its version before the Court with promptness. Failure to do so raises a presumption that there is no acceptable explanation. The Court cannot remain indifferent when its orders risk being reduced to formality. Compliance with judicial orders is the foundation of the rule of law.

4. In these circumstances, it becomes necessary to proceed further. A prima facie case of non-compliance stands made out. Hence, issue notice to Respondent Nos. 2 to 4 under Rule 9(1) read with Rule 8 of the Contempt of Courts (Bombay High Court) Rules, 1994 returnable on 9th January 2026

(AMIT BORKAR, J.)