

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 2980 OF 2021
IN
EXECUTION APPLICATION NO. 2454 OF 2025**

Vivek Shyam Kishore ...Applicant
V/s.
Central Institute of Fisheries Education ...Respondent

Mr. Indra Kumar Lahoti i/b Praxis Legal for the Applicant.
Dr. Vinod Joshi for the Respondent.
Mr. Sanjay Bokolia, Joint Director (Adm.) present in the Court.

CORAM : ABHAY AHUJA, J.
DATE : 21st JANUARY, 2026

PC. :

1. Pursuant to the order dated 2nd December, 2025, today when the matter is called out, Mr. Lahoti, learned Counsel appears for the Applicant and submits that despite an undertaking given to this Court, the Director of the Respondent is not present nor any payment plan has been furnished, although the Applicant was invited for settlement talks in the first week of January, but no settlement has taken place and that this Court may direct deposit of the amounts mentioned in prayer Clause (a) to the Interim Application, in addition to other orders that this Court may pass for the failure of the Director of the Respondent to remain present in Court.

2. Mr. Lahoti submits that as on date the amount of Rs. 36,30,807/- along with interest at the rate of 18% is due and payable from the Judgment Debtor.

3. Mr. Joshi, learned Counsel appears for the Respondent and submits that although an undertaking was given by Mr. N. P. Sahu, the Director of the Respondents to remain present in the Court on every date that the matter is listed and that within a period of four weeks a payment plan would be filed and served, the same has not been possible. As regards the absence of Mr. Sahu, it is submitted by the learned Counsel for the Respondent that Mr. Sahu is busy in a conference in Nagpur and submits that, therefore, an exemption application has been prepared seeking his exemption today. Mr. Joshi submits that the Joint Director, Mr. Sanjay Bokolia, is present in the Court and that his presence be recorded in place of Mr. N. P. Sahu. That as regards the amounts payable to the Applicant, the Petition under Section 34 of the Arbitration and Conciliation Act, 1996 is pending and that he has instructions to submit that his client will deposit Rs. 10 lacs in the Court.

4. Mr. Lahoti, learned Counsel appears for the Applicant and submits that although the award is of November, 2020 and the Petition

under Section 34 of the Arbitration and Conciliation Act, 1996 is filed in December, 2021 and the same has been dismissed for non removal of office objections, which is denied by Mr. Joshi, learned Counsel for the Respondent submitting that on a restoration application, the Court had already issued notice.

5. Mr. Lahoti, learned Counsel for the Applicant further submits that since the amount due as on date is Rs. 36,30,807/- along with interest at the rate of 18% p.a. till payment and/or realisation, this Court may direct deposit of the entire amount along with interest till date of the deposit.

6. First things first. An undertaking has been furnished to this Court on behalf of the Respondent by Dr. N. P. Sahu, Director of the Respondent. Dr. Sahu has undertaken to remain present in the matter as and when listed before this Court. In fact, he has specifically undertaken in the undertaking dated 2nd December, 2025 that he will remain present before this Court on the next date of hearing viz. 21st January, 2026 and thereafter and despite that Mr. Sahu has failed to remain present in the Court and explanation is sought to be given by the Advocate appearing in the matter, submitting that he is busy in a conference in Nagpur and seeks to file an exemption application before

this Court on the said ground.

7. Firstly, Dr. N.P. Sahu is in the breach of the undertaking given to this Court, exposing himself to contempt proceedings. Secondly, any leave of absence has to be filed before the date of the matter and not after the absence of the person who has undertaken to remain present in the Court. It is being informed that one Mr. Sanjay Bokolia, Joint Director, is present in Court in place of Dr. Sahu. It is the person who has undertaken to remain present has to remain present, unless a substitution is sought and approved by the Court. The Central Government bodies such as the Respondent ought to know this better than anyone else.

8. When this Court has called upon the Advocate for the Respondent to show the exemption application. Mr. Joshi tenders the same. However, it is observed that the said application is not even numbered and casually the same is tendered across the bar. Be that as it may, a perusal of paragraph 4 of the said application indicates that although the Applicant is willing to attend the hearing before this Court, but since the Applicant has to attend a workshop at Nagpur on developing an action plan on the researchable issues identified during the Viksit Krishi Sankalp Abhiyan (VKSA 2025-26) as Co-Chair on 21st

January, 2026 under the Chairmanship of the Hon'ble Secretary DARE and DG, ICAR, therefore, the Applicant is unable to appear before the Court and seeks to apologize for the same. That the Applicant has no deliberate or *mala-fide* intention to avoid appearance before the Court and seeks personal exemption from appearance.

9. In my view, once an undertaking is given to this Court to remain present, this kind of explanation that because he has to attend a workshop in Nagpur as Co-Chair and therefore he is unable to appear before this Court, is certainly not a good enough reason. As noted above an exemption / leave of absence has to be sought prior to the date of the hearing, which has not been done. The Applicant very well knew that he has to remain present in the Court on 21st January, 2026, which is today and despite that he has chosen to remain absent in the Court to attend a workshop. However, important another commitment be, when an undertaking is given to the Court, the undertaking has to be abided by and any failure to do so, and particularly for the reason mentioned in paragraph 4 of an unnumbered application tendered across the bar is certainly not acceptable.

10. Perhaps, the Applicant / Director of the Respondent has not been made aware that the Court orders have to be complied with without

fail. This is clearly a breach of the orders of this Court.

11. Accordingly, issue notice to Mr. N. P. Sahu under the Contempt of Courts Act, 1971 in Form I as provided in the High Court Rules, returnable on the next date to physically remain present and show cause before this Court on the next date as to why the proceedings under the Contempt of Courts Act, 1971 should not follow and as to why he should not be punished with maximum punishment of imprisonment and fine, in accordance with Section 12 of the Contempt of Courts Act, 1971, for deliberate breach of the undertaking dated 2nd December, 2025 given to this Court.

12. As regards the amount to be deposited in the Court, let an amount of Rs. 36,30,807/- along with interest at the rate of 18% p.a. till the date of deposit be deposited by the Respondent in this Court within a period of four weeks.

13. List on **25th February, 2026.**

(ABHAY AHUJA, J.)

Digitally
signed by
NIKITA
YOGESH
GADGIL
Date:
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