

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO.1 OF 2022
IN
INTERIM APPLICATION NO.2716 OF 2020
IN
CONTEMPT PETITION NO.88 OF 2018
IN
CLAIM NO.69 OF 2015

Krishna Developers .. Petitioner
Versus
Abhigna Enterprises & Ors. .. Respondents

...

Mr.Chirag Mody with Mr.Vyom Shah, Ms.Manisha Vikhare and
Ms.Ankita Ved i/b Divya Shah Associates for the Petitioner.
Mr.Anish Karnade with Ms.S.Ansari and Ms.Sonal Parbar i/b
SRM Law Associates for the Respondent Nos.1 to 3.

...

CORAM: BHARATI DANGRE, J.
DATED : 09th JANUARY, 2023

P.C:-

1. The petitioner alleges disobedience of the order dated 04/12/2020 passed in Contempt Petition No.88 of 2018 and, particularly, he allege that there is no compliance of the statement made by the respondents, as recorded in para 5 of the order, which reads thus :-

“5. Mr. Cama for the Respondents makes a statement on instructions that his clients are and have been willing to abide by the provisions of the Consent Award. As regards the question of applying for an occupation certificate for the development project in question, he makes a statement again on instructions that the Respondents will make the application by 30th April 2021. Both the statements are noted and accepted as undertakings to the Court.”

2. The consent terms before the Tribunal are also noted by me and, *prima facie*, by perusing the affidavit, which is filed by the respondents on 09/07/2022, there is no reference to any application being made for obtaining the occupation certificate.

The learned counsel for the respondents, however, makes a categorical statement that in the month of November, respondent No.1 has applied for an occupation certificate and the same is under process. He states that he would place an affidavit on record, since when the earlier affidavit was filed, the said steps were not taken.

Let an affidavit be filed by any of the partners of respondent No.1, if at all it is a fact that an application for occupation certificate was made and it is under process. The respondents are at liberty to bring further information on record, if at all they desire to purge the contempt, since, *prima facie*, I am of the opinion that they are in breach of order.

3. Let the affidavit be filed within a period of four weeks from today.
4. List on 13/02/2022.
5. On the next date of hearing, respondent Nos.2 and 3, the partners of respondent No.1 shall remain present in the Court.

(SMT. BHARATI DANGRE, J.)