



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION (L) NO. 30732 OF 2022
IN
SUIT NO. 228 OF 2022

RNA Splendour Buyers Association .. Petitioners
and Ors

Versus

A.A. Estate Private Limited and ors .. Respondents

...

Mr.Rohan Savant with Mr.Abhijeet Mahadeokar for the petitioners.

Mr. Ativ Patel i/b AVP Partners for respondent nos.1 A to 1 D.

Mr.Mayur Vinod Faria for respondent nos.2, 3, 4 and 8.

Mr.Amol Kharpe, respondent no.4 present in Court.

Mr.Shreyas Moharir i/b M/s.Pritesh Burad Associates for respondent nos.5 and 6.

CORAM: BHARATI DANGRE, J.

DATED : 12th JANUARY 2024

P.C:-

1 The order dated 12/12/2023 recorded the timeline stipulated in the affidavit filed by one Amol Karpe, respondent no.4, who is the Director of respondent no.2 and the designated partner of respondent no.3. In the said affidavit, he solemnly undertook to deposit a minimum of Rs.One Crore on or before 2/1/2024 and balance amount of Rs.Six Crore Twenty two lakhs on or before 31/1/2024.

Tilak



Today, he has come up with a demand draft of Rs.50 lakhs only and it is evident that he is now dragging on his feet to ensure deposit of Rs. Seven Crore Twenty Two lakhs, which he categorically deposed in the affidavit that it shall be deposited in two tranches.

When on the first tranche of payment which was a minimum of Rs.One crore, Mr.Amol Karpe has this approach, it is not difficult to conceive what would be fate of the second tranche of payment.

Since in the order dated 12/12/2023, I have already observed that any attempt to regal out of the undertaking would be construed as an aggravated contempt and the only explanation coming from Amol Karpe, who is present in the Court, is that he is attempting to generate the fund/amount by selling his property.

It is therefore, necessary to ascertain that what steps he has taken after he had affirmed the affidavit on 11/1/2024, and what property in his possession, he intend to sell off to procure the aforesaid amount, which form the basis of his undertaking.

It is made clear to Mr.Karpe, that in any case, he will not be in a position to hoodwink the Court, as he is facing the action of contempt for disobeying the undertakings given and if it is found the attempt is intentional, it shall definitely warrant the necessary action under the Contempt of Courts Act.



2 Without prejudice to the remittance of the amount of Rs. Fifty lakhs by way of a demand draft, which the respondent no.4 has produced before the Court and has undertaken to deposit it before the Prothonotary and Sr. Master, let an affidavit come from him, setting out the manner in which the payment, which he had set out in his affidavit of 11/12/2023 shall be ensured.

Let such an affidavit be filed on or before 24/1/2024.

Re-notify the Contempt Petition to 2/2/2024.

(SMT. BHARATI DANGRE, J.)