



rajshree

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 Associates & Ors.] .. Petitioners

vs.

A.A. Estate Pvt. Ltd. & Ors.] .. Respondents

Mr.Rohan Savant a/w Abhijeet Mahadeokar i/b Diwakar V. Gond for the Petitioners.

Mr.Pawan Kulkarni i/b M/s.AVP Partners for Respondent Nos.1A to 1D.

Mr.Anish Karande a/w Harshal Savla i/b Mayur Vinod Faria for Respondent Nos.2,3, 4 and 8.

Ms.Madhuri Gamre i/b M/s.Pritesh Burad Associates for Respondent Nos.5 and 6.

CORAM : BHARATI DANGRE, J

DATE : 9th May, 2024.

P.C.

1] On 18.04.2024, indulgence was shown in favour of Respondent No.4, who made a specific statement as regards deposit of the amounts, which is indicated in the order to the following effect :-

1] In compliance of the order dated 16.04.2024, the contemnor has deposited an amount of Rs.50,00,000/-, with the Prothonotary and Senior Master.



The learned counsel representing Respondent No.4, make a statement that as a part consideration towards Flat No.A4, he has received a token amount of Rs.51,00,000/-, which he will be depositing today in his account and upon realizing the amount, he shall deposit the same with the Prothonotary and Senior Master on or before 26.04.2024.

As regards the balance consideration, since according to the Respondent No.4 the deal for Flat No.A4 has been struck for Rs.2.56 Crores, the balance consideration is to be received by him, as the Agreement for Sale is likely to be executed on 22.04.2024.

Upon receipt of the consideration, the same shall also be deposited with the Prothonotary and Senior Master.

2] As far as the balance compliance is concerned, the learned counsel would like to make a statement, he shall file an Affidavit as regards the direction issued to clarify the position as regards the obligations to accommodate the members of the Petitioner-Society in Ashirwad Society and Eversmile Society.

For this purpose, I deem it appropriate to adjourn the Contempt Petition to 07.05.2024.

It is expected that before the next date of hearing the amount of Rs.50 Lakhs plus Rs.2 Crores shall be deposited with the Prothonotary and Senior Master and even the Affidavit as regards the future payments shall also be placed before this court.

2] The Contempt proceedings were, therefore, adjourned to 07.05.2024 with an expectation that before this date, the sum of Rs.2,00,00,000 plus Rs.50,00,000/- shall be deposited before the Prothonotary and Senior Master, towards the liability and in terms of the Consent Terms, which are alleged to have been breached.



3] When the matter was listed yesterday, and the compliance was sought to be ensured, I noticed that even the sum of Rs.51,00,000/- which was agreed to be deposited on or before 26.04.2024 was also not deposited and the excuse put forth was inadvertence.

It is highly improbable and unacceptable for a person who is issued with show cause notice under the Contempt of Courts Act, 1971, to adopt such a callous approach.

Despite this indulgence, I permitted this amount to be deposited and directed the listing of the proceedings today.

4] The learned counsel representing Respondent No.4 inform, that this amount of Rs. 51,00,000/- is deposited with the Prothonotary and Senior Master yesterday i.e. on 08.05.2024.

5] A fresh Affidavit is filed by Shri Amol Karpe, where he has set out a further mechanism of making payment of balance Rs.5,71,00,000/- and he has divided this amount in three tranches in the following manner :

- (i) A sum of Rs.1,50,00,000/- (Rupees One Crore Fifty Lakhs Only) on or before 31st May, 2024.
- (ii) A sum of Rs.1,71,00,000/- (Rupees One Crore Seventy One Lakhs Only) on or before 15th June, 2024.
- (iii) The balance amount of Rs.2,49,00,000/- (Rupees Two Crores Forty Nine Lakhs Only) on or before 31st June, 2024.



6] In Para 13 and 15 he has set out the manner in which the aforesaid obligation shall be discharged on or before 31.06.2024, to be spread in three tranches. The manner by which the money shall be garnered by him and the liability of Rs.5,71,00,000/- shall be discharged, is also specifically set out.

Mr. Amol Karpe, who is also present in the Court, is just reminded of an important aspect in the matter, that he is filing this Affidavit/ Statement in a Contempt Petition, where he is already issued with a show cause notice, as to why he is not to be held guilty and punished under the Contempt of Courts Act, 1971, for not adhering to the Consent Terms and I have already expressed that this is a willful and deliberate disobedience.

However, by way of indulgence, I am ready to offer a last opportunity to him, to ensure that the balance amount of Rs.5,71,00,000/- as a part of the Consent Terms is deposited before the Prothonotary and Senior Master, on or before 31.06.2024.

It is also clarified that no amount of explanation in whatsoever way, then shall be expected and on the next date of hearing this Court shall proceed to frame charge against him for the contempt of the courts order, and after following the procedure he shall be held guilty under the Act and accordingly liable for punishment.



7] The indulgence is shown only upon pleading of Mr.Karpe and the difficulties expressed and which are beyond his control.

In case if he is unsuccessful in materialising any of the sales transaction in respect of Flat No.A2 and A4 in the manner in which he expect it to progress, he shall be under an obligation to arrange for the money, or take the consequences.

List the proceedings on 05.07.2024.

[BHARATI DANGRE, J]