



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3287/2021

(Shri Dr. Vasif Tausifuddin Ahmed and others Vs. The State of Maharashtra and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. Gauri Venkatraman, Advocate for the petitioners.
Ms. K.H. Bhondge, A.G.P for respondent Nos.1 and 2.
Mr. N.P Lambat, Advocate for respondent No.3.
Mr. J.B. Kasat, Advocate for respondent No.4.
Mr. F.T. Mirza, Senior Advocate with Mr. Paresh Thakur, Advocate for respondent
Nos.5 and 6.

CORAM: NITIN W. SAMBRE & MRS.VRUSHALI V. JOSHI, JJ.

DATED: 19.3.2025.

Heard.

2. In order dated 18.2.2025 in para 5 in the table, the name of President be corrected as "Jay S/o Sudhakar Naik". The correction be carried out forthwith.

3. Since this Court has already noted in the order dated 18.2.2025 that the order dated July 10, 2023 is not complied with in its true letter and spirit, the affidavit duly sworn by the Secretary of the Engineering College, who is also the contemnor before us, is placed on record claiming that the Society has every intention to pay the arrears by selling the properties and the process has already commenced. This Court, in fact, vide order dated 10.7.2023 has already permitted the said Society to place on record its *bona fides*. It is only after this Court has started passing orders against the office bearers of the Society, things have started moving in the right direction. However, there seems no determination of the office

bearers to clear the admitted arrears. The liability is not in dispute, however, it is claimed that there is a financial crunch and hardship.

4. The Advocate for the respondent-Management, particularly the respondent Nos.5 and 6 have not disputed the liability of arrears which comes to around Rs.12 Crores. These arrears are in relation to those petitioners who are superannuated and are in much need of the money as their service conditions do not provide for pension.

5. So as to meet the aforesaid liability which is admitted in the present writ petition, but for the filing of an application under Section 36 (1)(a) of the Maharashtra Public Trusts Act, 1950 before the Joint Charity Commissioner, Amravati seeking permission to sell the property of the trust, no concrete steps are taken. As a sequel of which, we had caused notice to the office bearers asking them as to why contempt proceedings should not be initiated against them. In the affidavit-in-reply, but for the reason of pendency of the aforesaid application before the Joint Charity Commissioner, Amravati, no back up or alternate mode to redress the grievance of the petitioner is mentioned.

6. Even till this date, but for the alleged meager amount of Rs.6,00,000/- paid to each of the superannuated employee, the respondents have not shown their *bona fides* by making any payment to the petitioners or at least depositing any amount with the Registry of this Court.

7. That being so, we are willing to accept the submissions of the Advocate for the petitioner that the Office bearers of the trust are required to be proceeded against under the provisions of the Contempt of Courts Act, 1971. The aforesaid submissions are made

keeping in mind the fact that the respondents have already admitted their liability in the affidavit placed on record.

8. As such, we deem it appropriate to direct the President and the Secretary of the respondent-Trust to appear before this Court on the next date of hearing so as to enable this Court to pass appropriate orders against the said respondents in the matter.

9. List the writ petition for further consideration on March 24, 2025.

(MRS.VRUSHALI V.JOSHI, J.)

(NITIN W. SAMBRE, J.)