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IN THE HIGH COURT OF BOMBAY AT GOA
CONTEMPT PETITION NO. 34 OF 2023
IN
WRIT PETITION NO. 530 OF 2022

CHANDRAKALA PARAMESHWAR
BHOIPLE ... PETITIONER
Versus
AJEET KUMAR JAIN AND ANR ... RESPONDENTS

Mr Abhishek Sawant, Advocate for the Appellant.

Respondent Nos. 1 and 2 in person.

CORAM:- M. S. SONAK &
VALMIKI SA MENEZES, JJ.

DATED :- 7th February, 2024

P.C.:

1. Heard Mr Abhishek Sawant, who appears under the Legal Aid Scheme for the Petitioner.

2. The petitioner has alleged contempt of the Court on the ground that the alleged contemnor has not complied with the directions in our Judgment and Order dated 08/09/2023.

3. During the pendency of this petition, the Respondents deposited Rs. 5,25,000/- which represented the balance amount payable in terms of our Judgment and Order dated 08/09/2023. The registry has encashed this cheque, and the amount is lying in this court.

4. On 16/01/2024, taking cognisance of Mr Sawant's submission that the petitioner had to travel to Goa on three occasions, we thought that Rockdrill Projects Pvt. Ltd. should pay travel expenses and costs for these three visits. Mr Sawant has pointed out that the petitioner had to spend Rs. 20,000/-on each of these visits.

5. Therefore, on 16/01/2023, we made the following order:

"P.C.:

Mr Abhishek Sawant, learned counsel who appears under the Legal Aid Scheme for the petitioner submits that today itself the respondents have deposited in this Court a cheque in an amount of Rs.5,25,000/- which represents the balance amount payable in terms of our judgment and order dated 08.09.2023.

2. *Ms Apté, learned counsel who appeared for Rockdrill Projects Pvt Ltd, the original petitioners in Writ Petition No.530/2022 reports no instructions. However, Mr Naresh Yadav who claims to be authorised representative of the respondents is present in the Court. The respondents, i.e. Shri Ajeet Kumar Jain and Mr Amit Mehta, against whom contempt is alleged, have not bothered to remain present in the Court.*

3. Mr Abhishek Sawant points out that the directions for payment of Rs.5,25,000/- were to be complied with by 08.10.2023. He submits that the petitioner, who lost her son in a manhole while serving with Rockdrill Projects Pvt. Ltd has had to travel from Jalgaon to Goa on three occasions. He points out that the petitioner had to spend an amount of Rs.20,000/- on each of these occasions. He, therefore, submits that if the contempt proceedings are going to be disposed of, now that a cheque has been issued by the respondents for the balance amount, the respondents may be called upon to defray the cost incurred by the petitioner for the recovery of this amount.

4. Mr Yadav who is present in the Court says that he will apprise the respondents of these developments and obtain instructions about payment of costs of Rs.60,000/-.

5. The matter is now posted on 07.02.2024.”

6. Today, Ajit Kumar Jain and Naresh Yadav are present in the Court. Ajit Kumar Jain states that the cheque in the amount of Rs. 60,000/- had been deposited in the registry of this Court yesterday. He points out that the previous cheques that the company issued are duly honoured, and there is no doubt that this cheque will also be duly honoured.

7. Ajit Kumar Jain states that there was never an intention to disobey this Court's order, and all the amounts have now been duly paid/ deposited. He states that pursuant to the order made by this Court on 16/01/2024, an amount of Rs. 60,000/- towards costs has also been

deposited. He, therefore, submits that the contempt notice be discharged.

8. Upon hearing Ajit Kumar Jain, this Court believes that contempt proceedings need not be continued further. All amounts have been paid, and even costs have been deposited without any demur. Thus, this does not appear to be a case of any wilful or intentional violation of the Court's order. This Court was only concerned with the plight of the Petitioner, who lost her son in the manhole while serving with Rock Drill Pvt. Ltd.

9. Accordingly, the contempt notice is discharged, and the contempt proceedings are disposed of.

10. The Registry must ensure that the amount the company deposits, including the costs, is transferred directly into the petitioner's Bank account. Mr Sawant states that the bank account details have already been furnished on page 44 of the contempt petition. He says he will still pursue the matter with the Registrar (Judicial). The Registrar (Judicial) to ensure that the deposited amounts are immediately transferred to the Petitioner's bank account without her being required to comply with further formalities.

11. The Legal Service Authority must pay the fees to Mr Abhishek Sawant following the rules. These fees are in addition to the gratitude

this Court expresses to Mr Abhishek Sawant for assisting the Court and the Petitioner.

12. All concerned to act on an authenticated copy of this order.

VALMIKI SA MENEZES, J.

M. S. SONAK, J.