

ITEM NO.32 Court 6 (Video Conferencing) SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CONMT.PET.(C) Nos.175-176/2021 in C.A. Nos.1492-1493/2020

MADHU BUILDERS AND DEVELOPERS & ANR. Petitioner(s)

VERSUS

REWACHAND NARWANEY & ORS. Respondent(s)

WITH CONMT.PET.(C) Nos.177-178/2021 in C.A. Nos.1492-1493/2020 (XVII-A)

Date : 16-04-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Vinay Navare, Sr. Adv.
Mr. Sarad Kumar Singhania, AOR
Ms. Rashmi Singhania, Adv.
Mr. Shailen Bhatia, Adv.
Mr. Rishi Matoliya, Adv.

Mr. Rishi Matoliya, AOR

For Respondent(s) Mr. Nitin S. Tambwekar, Adv.
Mr. Seshatalpa Sai Bandaru, AOR

UPON hearing the counsel the Court made the following
O R D E R

- 1 By the order of this Court dated 12 February 2020, the respondent-Cooperative Society was required to induct the remaining eight members without payment of additional charges or fees. The petitioners in terms of the direction of this Court deposited an amount of Rs 15 lakhs on 3 December

2020 and 15 December 2020. There is a breach by the respondent-contemnors of the direction by this Court for the induction of eight members.

- 2 Mr Nitin S Tambwekar, learned counsel appearing on behalf of the Cooperative Society submits that (i) the identity of the eight members who are to be inducted has not been indicated; and (ii) the only issue before this Court was in regard to the payment of compensation by the builder.
- 3 We are unable to subscribe to either of the above submissions. The legal notice which was issued on 21 December 2020 (Annexure P-17) clearly indicates the identity of the persons who are to be inducted as members of the Cooperative Society. As regards the second submission, we are constrained to observe that this is an attempt to go behind the order this Court which is not permissible. The order of this Court has to be complied with.
- 4 Finding that there has been a breach of the direction, the Court would have been inclined to proceed to pass final orders in the exercise of the contempt jurisdiction.
- 5 Mr Nitin S Tambwekar, learned counsel appearing on behalf of the Cooperative Society has however assured the Court that the persons whose names have been set out in the letter at Annexure P-17 shall be inducted within a period of one week from today.
- 6 We are also constrained to take serious note of the statement contained in the letter dated 1 January 2021 (Annexure P-18) of the Cooperative Society stating that the petitioners had misled this Court into passing an order for inducting the eight members. An affidavit shall be filed on or before the next date of listing clarifying the statement contained in paragraph 7 and indicating to this Court as to whether the Cooperative Society intends to pursue this line of submission.

- 7 List the Contempt Petitions for recording compliance on 23 April 2021. The contemnors are put on notice that any failure of compliance will result in coercive measures under the law.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master