



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO. 612 OF 2023
WITH
INTERIM APPLICATION NO. 2466 OF 2023
IN
CRIMINAL WRIT PETITION NO. 612 OF 2023**

Amar Sadhuram Mulchandani Petitioner
v/s.
Directorate of Enforcement, Mumbai
and ors. Respondents

**WITH
CRIMINAL WRIT PETITION NO. 646 OF 2023
WITH
INTERIM APPLICATION NO. 1749 OF 2023
IN
CRIMINAL WRIT PETITION NO. 646 OF 2023**

Vinay Vivek Aranha Petitioner
v/s.
The State of Maharashtra and anr. Respondents

**WITH
INTERIM APPLICATION NO. 1748 OF 2023
IN
CRIMINAL WRIT PETITION NO. 646 OF 2023**

Vijay Gopichand Ramchandani Applicant
v/s.
Directorate of Enforcement Respondent

**WITH
INTERIM APPLICATION NO. 1747 OF 2023
IN
CRIMINAL WRIT PETITION NO. 646 OF 2023**

Megha

wp_612_2023 NEW.doc

Shrichand Aswani

.... Applicant

v/s.

The State of Maharashtra and anr.

.... Respondents

WITH
CRIMINAL WRIT PETITION NO. 731 OF 2023

Sagar Maruti Suryawanshi

.... Petitioner

v/s.

Directorate of Enforcement, Mumbai
and ors.

.... Respondents

WITH
INTERIM APPLICATION NO. 917 OF 2023
IN
CRIMINAL WRIT PETITION NO. 731 OF 2023

Shrichand Aswani

.... Applicant

v/s.

The State of Maharashtra

.... Respondent

WITH
INTERIM APPLICATION NO. 918 OF 2023
IN
CRIMINAL WRIT PETITION NO. 731 OF 2023

Vijay Gopichand Ramchandani

.... Applicant

v/s.

Directorate of Enforcement, Mumbai

.... Respondent

WITH
INTERIM APPLICATION (ST.) NO. 15945 OF 2023
IN
CRIMINAL WRIT PETITION NO. 731 OF 2023

Sagar Maruti Suryawanshi

.... Applicant

v/s.

Megha

wp_612_2023 NEW.doc

Directorate of Enforcement, Mumbai
and ors.

.... Respondents

**WITH
CRIMINAL WRIT PETITION NO. 690 OF 2023**

Sadhana Manohar Mulchandani and anr.
v/s.

.... Petitioners

Directorate of Enforcement, Mumbai
and ors.

.... Respondents

**WITH
INTERIM APPLICATION NO. 2330 OF 2023
IN
CRIMINAL WRIT PETITION NO. 690 OF 2023**

Sagar Manohar Mulchandani
v/s.

.... Applicant

Directorate of Enforcement, Mumbai
and ors.

.... Respondents

**WITH
INTERIM APPLICATION NO. 1118 OF 2023
IN
CRIMINAL WRIT PETITION NO. 690 OF 2023**

Shrichand Aswani
v/s.

.... Applicant

Directorate of Enforcement, Mumbai
and ors.

.... Respondents

**WITH
INTERIM APPLICATION NO. 1120 OF 2023
IN
CRIMINAL WRIT PETITION NO. 690 OF 2023**

Vijay Gopichand Ramchandani
v/s.

.... Applicant

Megha

wp_612_2023 NEW.doc

Directorate of Enforcement, Mumbai
and ors.

.... Respondents

**WITH
CRIMINAL WRIT PETITION NO. 711 OF 2023**

Ashok S. Mulchandani and ors.
v/s.

.... Petitioners

Directorate of Enforcement, Mumbai
and ors.

.... Respondents

**WITH
INTERIM APPLICATION NO. 1117 OF 2023
IN
CRIMINAL WRIT PETITION NO. 711 OF 2023**

Shrichand Aswani
v/s.

.... Applicant

Directorate of Enforcement, Mumbai
and ors.

.... Respondents

**WITH
INTERIM APPLICATION NO. 1122 OF 2023
IN
CRIMINAL WRIT PETITION NO. 711 OF 2023**

Vijay Gopichand Ramchandani
v/s.

.... Applicant

Directorate of Enforcement, Mumbai
and ors.

.... Respondents

**WITH
CRIMINAL WRIT PETITION NO. 746 OF 2023**

Sheetal Kishanchand Tejawani
v/s.

.... Petitioner

The State of Maharashtra and anr.

.... Respondents

WITH
INTERIM APPLICATION NO. 1755 OF 2023
IN
CRIMINAL WRIT PETITION NO. 746 OF 2023

Vijay Gopichand Ramchandani Applicant
v/s.
The State of Maharashtra and anr. Respondents

WITH
INTERIM APPLICATION NO. 1753 OF 2023
IN
CRIMINAL WRIT PETITION NO. 746 OF 2023

Shrichand Aswani Applicant
v/s.
The State of Maharashtra and anr. Respondents

WITH
CRIMINAL WRIT PETITION NO. 1030 OF 2023

Girish Kishanchand Tejwani Petitioner
v/s.
The State of Maharashtra and anr. Respondents

WITH
INTERIM APPLICATION NO. 1751 OF 2023
IN
CRIMINAL WRIT PETITION NO. 1030 OF 2023

Vijay Gopichand Ramchandani Applicant
v/s.
The State of Maharashtra and anr. Respondents

WITH
INTERIM APPLICATION NO. 1750 OF 2023
IN

CRIMINAL WRIT PETITION NO. 1030 OF 2023

Shrichand Aswani Applicant
v/s.
The State of Maharashtra and anr. Respondents

**WITH
CRIMINAL WRIT PETITION NO. 961 OF 2023**

Rajesh P. Sawant Petitioner
v/s.
Directorate of Enforcement and ors. Respondents

**WITH
INTERIM APPLICATION NO. 1754 OF 2023
IN
CRIMINAL WRIT PETITION NO. 961 OF 2023**

Shrichand Aswani Applicant
v/s.
The State of Maharashtra and anr. Respondents

**WITH
INTERIM APPLICATION NO. 1752 OF 2023
IN
CRIMINAL WRIT PETITION NO. 961 OF 2023**

Vijay Gopichand Ramchandani Applicant
v/s.
Directorate of Enforcement and ors. Respondents

Mr. Ravi Kadam, Sr. Advocate a/w Mr. Karan Kadam, Mr. Shantanu Phanse, Mr. S. S. Bedekar and Adv. Ilsa Shaikh for the Petitioner in WP/612/2023, WP/690/2023 and WP/711/2023.
Mr. Sanjeev Kadam a/w Ms. Aditi Rajput i/b. Mr. S.R. Phanse for the Petitioner in WP/961/2023.
Mr. Ajay Bhise a/w Ms. Deepali Kedar i/b. Mr. Sagar Kursija for the Petitioner

in WP/731/2023, WP/746/2023 and WP/1030/2023.

Mr. Prabhakar Jadhav i/b. Mr. Shekhar Mane for the Petitioner
in WP/646/2023.

Mr. H. S. Venegavkar for the Respondents – ED.

Ms. M. M. Deshmukh, APP for the Respondent/State.

Mr. Bhisham Pahuja, Respondent No.5, present in court.

Ms. Minal Chandnani for the Applicant/Intervenor in IA/917/2023,
IA/1118/2023, IA/1117/ 2023, IAST/6014/2023, IAST/6012/2023
& IAST/6011/ 2023.

CORAM : SMT. ANUJA PRABHUDESSAI &

N.R. BORKAR, JJ.

DATED : 29th JANUARY, 2024.

P.C. :-

1. An unpleasant and painful task before us is whether to initiate contempt action against advocate Mr. Zoheb Merchant, Advocate Ms. Minal Chandnani and Respondent No.5 – Bhisham Hiralal Pahuja also an advocate by profession.

2. The entire controversy has erupted over the praecipe with the news clipping filed by Mr. Zoheb Merchant, who was representing Respondent No.5 in the above writ petition. The praecipe commences with a brief narration of the hearing/assignment of the matter till 11/10/2023, which is not relevant to decide the issue. The second and third paragraphs of the praecipe read thus :-

“ That however, during the interregnum, there has been several developments including rumors which have come to our knowledge wherein this Hon’ble Court’s integrity has been questioned as there are allegations of bias and partiality made by certain unscrupulous persons and the same is reflected through some newspaper articles which is enclosed for ready reference.

That in light of the aforesaid, it is just and imperative that the sanctity and integrity of this Hon’ble Court is maintained and therefore, it is most respectfully requested that the captioned matter may be listed before any other bench however the Petitioner has been time and again mentioning the matter seeking orders be passed by the Division bench of Hon’ble Justice xxx and therefore in view thereof we request that the matter be listed before any other bench as assigned by the Hon’ble Chief Justice.”

3. The photocopy of the news clipping annexed to the praecipe states that there is a strong rumour that the High Court was likely to grant bail to the accused- Amar Mulchandani and that a complaint in that regard has been lodged before the Chief Justice of India. It is stated that said Amar Mulchandani, who has defalcated over 430 crores has approached the High Court directly in view of his friendship with Justice xxx and knowing that Justice xxx will help him in his release. It is also insinuated that Justice xxx is anxious to expedite the hearing of the said case. It is alleged that Justice

xxx has misused his position and that request is made to the Chief Justice of India to withdraw the matter from Justice xxx and to place it before any other Bench.

4. The above petition was filed by Amar Mulchandani and others to quash ECIR/MV/ZO-II/10/21 registered by the Director of Enforcement. By order dated 03/05/2023, Respondent No.5 - Bhasham Hiralal Pahuja, an advocate by profession was permitted to intervene in the matter and was impleaded as Respondent No.5. He is represented in the said Petition by Advocate Zoheb Merchant. Advocate Minal Jaiwant Chandnani is representing some of the Intervenors in the said petition.

5. By the Administrative Order dated 17/02/2023, the above writ petition was assigned to the Division Bench headed by the Hon'ble Shri. Justice xxx. The records, particularly order dated 09/11/2023 indicate that the petition was heard at length by the said Bench, but later, in view of the change in assignment, the matter could not be listed before the said Bench. Subsequently, on 08/11/2023, when the matter was listed before the same Bench, the Registrar (Judicial-I) placed on record the above referred praecipe signed by Advocate Zoheb Merchant, with a news clipping

purportedly published in newspaper “Rajdharma’ annexed to the praecipe. Advocate Zoheb Merchant, who had circulated the praecipe was not present before the Court. It was brought to the notice of the court that Advocate Mr. Zoheb Merchant is a junior of Ms Minal Chandnani. She was apologetic for circulating the praecipe with news clipping and stated that she would tender a written apology.

6. The petition was again listed on 09/11/2023. Order dated 09/11/2023 records that Mr. Zoheb Merchant had tendered his affidavit. He did not dispute having filed the praecipe with the news clipping. He stated that the praecipe and the news item were circulated as per the instructions of his client (Respondent No.5). He tendered an apology for the same. Similarly, Advocate Ms Minal Chandnani also tendered a written apology and stated that she has complete faith in the Court and had no intention to shunt away the matters from the court. She contended that the contents of the praecipe moved by advocate Mr. Zoheb Merchant were bonafide, without any intention to disrespect, disregard or challenge the authority of the Court. Order dated 09/11/2023 further indicates that while the court was to issue contempt notice, the lawyers stated that the praecipe was filed as per the instructions of their client (Respondent No.5) and sought leave to withdraw

the praecipe and the news clipping. They had assured that Respondent No.5 would remain present in the court and file an affidavit of apology. Hence, the matter was listed on 10/11/2023 for compliance.

7. On 10/11/2023, Respondent No.5 -Bhisham Hiralal Pahuja, failed to remain present before the Court. Mr. A.V. Anturkar, the learned senior counsel representing both the lawyers i.e. Mr. Zoheb Merchant and Ms Minal Chandnani, made a statement that the attempts of the lawyers to contact Respondent No.5 were in vain. In view of the said statement, show cause notice was issued to Respondent No.5 on the issue of contempt.

8. Order dated 10/11/2023 further records that Advocate Ms Minal Chandnani had continued with the argument that what has been stated in the praecipe signed by Advocate Zoheb Merchant, who is working under her, is correct. The order dated 10/11/2023 further reveals that upon enquiry, the Registry had informed that both the lawyers had submitted the praecipe despite advice to refrain from doing so. The Court observed that scandalous allegations were made with malafide intention for having the matter placed before another Bench. It is also observed that both the lawyers owed duty towards the Court and ought to have advised their client to refrain from

making such allegations, instead they identified themselves with the litigant i.e. Respondent No.5 and filed a praecipe with the newspaper clipping containing scandalous allegations. Considering that such conduct is contemptuous, the Court observed that the lawyers and litigants who exhibit such behaviour need to be dealt with an iron hand. The Court did not accept the apology and deferred the hearing to test the bonafides of both the lawyers. Directions were also issued to the Commissioner of Police, Pimpri-Chinchwad to submit through the senior officer not below the rank of Assistant Commissioner of Police, the details of the Publisher and the Editor of the newspaper 'Rajdharna'.

9. On 12/01/2024 the Assistant Commissioner of Police submitted the report that the notice was duly served on Respondent No.5. It was also reported that Mr. Nikhil Jayprakash Mane is the Editor and one Chetan Jayprakash Mane is the Publisher of the newspaper 'Rajdharna', which is a 'C' category newspaper under registration No.MAHMAR/2017/71292. It was further reported that the tender notice, which could partially be seen in the news clipping annexed to the praecipe, was not issued by Pimpri-Chinchwad Municipal Corporation. This prima facie indicated that the news clipping was a false and fabricated document. We therefore, directed the

Assistant Commissioner of Police to record the statement of the Publisher and Editor of the newspaper 'Rajdharm' to ascertain the authenticity of the news clipping annexed to the praecipe and whether such news article was in fact published in the said newspaper.

10. It is pertinent to note that Respondent No.5 had failed to appear before the Court on 12/01/2024, despite service of notice on the issue of contempt. Hence, warrant was ordered to be issued against him. Advocate Mr. Zoheb Merchant also failed to remain present before the Court even though the Court had not accepted his apology and had adjourned the matter to test his bonafides. We were informed by Ms Minal Chandnani that Advocate Mr. Zoheb Merchant had travelled abroad. She had assured that he would remain present before the Court on the next date of hearing.

11. On 23/01/2024 the Assistant Commissioner of Police, Crime-I, Pimpri-Chinchwad submitted a report stating that the statements of the Editor and Publisher of the newspaper 'Rajdharm' were recorded and further that the news article annexed to the praecipe was not published in the newspaper 'Rajdharm'. The report thus confirmed that the news clipping annexed to the praecipe was a false and fabricated document. By

order dated 23/01/2024, we have directed the Assistant Commissioner of Police, Crime-I, Pimpri Chichwad, to enquire into the matter and verify the source of the said fabricated news clipping.

12. Respondent No.5 appeared before the Court on 23/01/2024 and filed his additional affidavit wherein he has admitted having forwarded the news clipping to his Advocate Mr. Zoheb Merchant. He claims that he found the said news clipping outside his door. He claims that some unknown persons were questioning the integrity of the Judge and were trying to undermine the majesty of the Court, hence he forwarded the same to his advocate with a bonafide intention to bring the contents of the news clipping to the notice of the Judge. He explains that he was unable to appear before the Court on the previous date due to several ailments. He has tendered his unconditional apology for his action.

13. Mr. Zoheb Merchant and Ms Minal Chandnani have also filed their additional affidavits. Mr. Zoheb Merchant has stated that he had prepared the praecipe as per the instructions of his client (Respondent No.5). He has stated that he had not approached the Registrar for taking on record the praecipe. He has stated that though the matter was listed on

12/01/2024, he was not served with the notice of hearing. He has stated that he had gone to Indonesia alongwith his family. He has once again tendered an unconditional apology.

14. Ms Minal Chandnani has denied having filed the praecipe in the Registry. She states that the praecipe was filed by Mr. Zoheb Merchant as per the instructions of his client. She claims that had she been aware of the contents of the praecipe she would have prevented Mr. Zoheb Merchant from filing the said praecipe. She further states that she had no intention of justifying the conduct of Mr. Zoheb Merchant and has once again tendered an apology, if by her actions she has given an impression that she was justifying the same.

15. Mr. Kadam, the learned senior counsel submits that the contents of the praecipe as well as the news clipping annexed to the praecipe are *per se* contemptuous. He further submits that by justifying the act of Mr. Merchant and endorsing the contents of the praecipe, Ms Minal Chandnani has cast aspersions on the integrity of the Judge and has thereby polluted the very fountain of justice. Learned senior counsel Mr. Kadam and learned PP Mr. Venegaonkar submit that the very object of filing of the praecipe with

the fabricated news clipping was to avoid the Bench headed by Justice xxx and the same tentamounts to interference with administration of justice.

16. Mr. Anturkar, the learned senior counsel representing both the lawyers fairly concedes that the contents of the praecipe are contemptuous. He however contends that filing of such praecipe and annexing news clipping without verifying its authenticity was a mistake and misadventure of Mr. Zoheb Merchant, who is a young lawyer with not too many years at the Bar. He was also unable to take advice from his senior, who was preoccupied with other matters. Learned senior counsel submits that the praecipe was filed by the office clerk and not personally by Mr. Zoheb Merchant or Ms Minal Chandnani. He further submits that Ms Minal Chandnani did not know about filing of the praecipe. She did not endorse the contents of the praecipe but merely confirmed that the praecipe was signed by Mr. Zoheb Merchant. He submits that the observation in paragraph 7 of the order dated 10/11/2023 were due to some misunderstanding. He urges the Court to accept the unconditional apology tendered by both the lawyers.

17. Mr. Vaswani, learned counsel for Respondent No.5 submits that some unknown person had tucked the newspaper clipping in the handle of

the outer door of his house. He submits that Respondent No.5 had forwarded the news clipping to his advocate with instruction to bring to the notice of the Court that some unscrupulous persons are questioning the integrity and maligning the image of the Judge. He submits that Respondent No.5 did not have any intention of lowering the dignity of the Court. He submits that Respondent No.5 does not endorse the contents of the praecipe as the same were not as per his instructions.

18. The contents of the news clipping are outrageous, scandalous and per se contemptuous. The report submitted by the Assistant Commissioner of Police clearly indicates that no such news report was published in the newspaper 'Rajdharm'. The said news clipping is a false and fabricated document prepared mainly with an intention of making scurrilous, scandalous, baseless and unwarranted allegations and imputations against the Judge with an intention of lowering the dignity of the Court.

19. Respondent No.5 has not denied having forwarded the said news clipping to Mr. Zoheb Merchant. Respondent No.5, who is also an Advocate by profession, seeks to project himself as a well wisher of the Judge and claims that he had forwarded the news clipping with an intention of bringing

to the notice of the Judge that his reputation was being maligned by some unscrupulous elements. However, he does not spell out the object of bringing such malicious contents to the notice of the Judge. Bringing such malicious contents to the notice of the Judge without there being any genuine reason, prima facie appears to be a malicious and motivated act to scandalize the court. We are constrained to remind Respondent No.5 and alike that Judges are insusceptible to any kind of personal criticism and nothing said or written by the so called unscrupulous elements impacts or influences the decision making process or impairs the fearless discharge of duties.

20. As noted earlier, the report submitted by the Assistant Commissioner of Police reveals that no such news report was published in 'Rajdharm' and the said news clipping was a false and fabricated document. The conduct of Respondent No.5 in picking up such news clipping, which was allegedly thrown at his door step, and forwarding it to his Advocate with a request to place it before the Judge, without even verifying the authenticity or genuineness of the news report, is prima facie sufficient to demonstrate hollowness and falsity of his claim that it was forwarded with all good intention.

21. Mr. Zoheb Merchant, acting on the instructions of Respondent No.5 and treating the news clipping as authenticated and genuine, filed a praecipe wherein he has stated that since the time the matter was last heard, there have been several developments including rumours questioning the integrity of the Judge and imputing allegations of bias and partiality. Mr. Zoheb Merchant had advised Justice xxx that it is just and imperative that the sanctity and integrity of the Court is maintained and the matter is listed before another Bench. The contents of the praecipe signed by Zoheb Merchant are scandalous and sufficient to undermine the dignity of the Court. The contents of the praecipe are *per se* contemptuous.

22. Mr. Zoheb Merchant cannot plead innocence on the pretext that the praecipe was filed under the instructions of his client. Suffice to say, a lawyer is not a mouthpiece of his client. He cannot join hands with his client in his professional capacity to malign the Judge and bring disrepute to the institution. The fact that he is a young lawyer, does not give him a license to pollute the stream of justice. On the contrary, being an officer of the Court he is under an obligation to advise his client against making any baseless

and unwarranted remarks. The Hon'ble Apex Court in *M.Y. Shareef and another v/s. The Hon'ble Judges of the High Court of Nagpur and others, AIR 1955 SC 19*, has held that counsel who sign applications or pleadings containing matter scandalizing the Court without reasonably satisfying themselves about the prima facie existence of adequate grounds thereof, with a view to prevent or delay the course of justice, are themselves guilty of contempt of court, and that it is no duty of a counsel to his client to take any interest in such applications; on the other hand, his duty is to advise his client for refraining from making allegations of this nature in such applications.

23. It is also relevant to note that though the matter was extensively argued before the Bench headed by Justice xxx, due to the change of roster the matter could not be listed before the same Bench. Hence, the Bench was reconstituted and on 08/11/2023, the matter was listed before the earlier Bench. On the same date, the praecipe dated 06/11/2023, filed by Mr. Zoheb Merchant was placed before the Court. Such perfect timing in forwarding a fabricated newspaper clipping and filing of praecipe seeking recusal from the matter cannot be a mere coincidence but prima facie

appears to be a calculated and motivated attempt of Bench hunting by brow-beating the Judge to recuse from the proceedings. Such conduct strikes at the very fundamentals of administration of justice.

24. It is pertinent to note that order dated 10/11/2023 records that Registry had reported that the praecipe was submitted by both the lawyers i.e. Minal Chandnani and Zoheb Merchant. They were advised by the Registry to refrain from filing such praecipe despite which the lawyers had insisted that the praecipe be accepted. Furthermore, order dated 10/11/2023 reveals that Ms. Minal Chandnani had endorsed that what has been stated in the praecipe, is correct. Ms. Minal Chandnani and Mr. Zoheb Merchant have in their additional affidavits denied having submitted the praecipe before the Registry. It is also contended that Ms. Minal Chandnani had only admitted the signature of Zoheb Merchant and had not accepted the contents as true. It is stated that there is some misunderstanding in this regard.

25. It is relevant to note that Mr. Zoheb Merchant and Ms. Minal Chandnani have not disclosed in their affidavits as to who had submitted the praecipe. The report of the Registry that both the lawyers had insisted on

filing the praecipe as well as the observations of the Court as recorded in order dated 10/11/2023 that Ms. Minal Chandnani had endorsed the contents of the praecipe, are questioned for the first time in additional affidavit filed on 23/01/2024. In such circumstances, the explanation now offered prima facie appears to be an afterthought, to escape the consequences of contempt action.

26. In our considered view, Mr. Zoheb Merchant, Ms Minal Chandnani and Mr. Bhimesh Pahuja have indulged in making scandalous attack on the Judge to browbeat him to recuse from the matter. It is not an attack on the dignity, reputation and an honour of an individual Judge but an attack on the authority of the institution and majesty of the law. Such deliberate, motivated and contemptuous act, which impair the administration of justice or tend to bring the administration of justice into disrepute or lowers the dignity of the court fall within the definition of criminal contempt under Section 2(c) of the Contempt of Courts Act, 1971.

27. A fervent plea has been made to accept the apology tendered by Mr. Zoheb Merchant, Ms. Minal Chandnani and Respondent No.5- Bhasham

Pahuja, who are the members of the Bar. It need not be emphasized that an advocate is an integral part of the judicial administration. As an officer of the Court the Advocate is responsible to uphold the dignity of the Court, majesty of law and prevent any interference in the administration of justice. In the instant case, the three members of the Bar have made scurrilous and scandalous imputations against a Judge with a calculated motive of seeking recusal from the matter. The conduct is thoroughly contemptuous.

28. It needs to be noted that this Court had not accepted the apology of Mr. Zoheb Merchant and had adjourned the matter to test his bonafides. Despite which he failed to remain present before the Court on the adjourned date and rather chose to travel abroad. Similarly, Respondent No.5 did not appear before the Court despite due service of notice on the issue of contempt. He appeared and tendered an apology only after the issuance of warrant, albeit several ailments. Such conduct prima facie suggests that the apology is not genuine and is only a ploy to escape the consequences of contempt action. In such circumstances, we are inclined to safeguard the majesty and dignity of the institution rather than protecting personal interest of those involved in tarnishing its image. Hence, we do not accept the

apology at this stage.

29. Before we part, we would like to record that the above observations are not expressions on merits of the matter but only a prima facie opinion to initiate contempt action.

30. Under the circumstances, we direct the Registry to issue Contempt Notice to :-

(i) Mr. Zoheb Merchant,

R/o. No.A/601, Magnum Apartment, Bandivali Hill
Road, Jogeshwari (West), Mumbai-400 102.

(ii) Ms. Minal Chandnani

R/o. Building No.3, 802-803, Varun Garden, Next to
Lawkim Company, Opposite Rmall Thane West 400
607.

(iii) Respondent No.5 – Bhisham Pahuja

R/o. Flat No.H/B 29/S, Near Vaishnavi Mandir,
Pimpri camp, Pimpri-411018.

under Rule 9(i), Chapter XXXIV of the Bombay Appellate Side Rules, 1960

returnable on **26/02/2024**, calling upon the above contemnors to show cause as to why the action under Contempt of Courts Act should not be taken against them for having committed criminal contempt under the Contempt of Courts Act, 1971.

31. Copy of this order shall be forwarded to the Contemnor. The Contemnors shall be personally served with a contempt notice and shall remain present on the returnable date.

32. The Registry to register the proceedings under the Contempt of Courts Act, 1971 as suo moto Contempt Petition.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)