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IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 1380 OF 2026**

Mr. Sudeep Dhargalkar,
Son of Suresh Dhargalkar,
Indian National,
Aged 36 years,
Having address at H. No. C-3-94(40),
Driver Hill, Vasco Da Gama,
Goa, 403802.

... Petitioner***Versus***

1. State of Goa
Through its Chief Secretary,
Secretariat, Porvorim, Goa.
2. State Election Commission
Through the Commissioner,
Altinho-Panaji, Goa.
3. Director of Municipal Administration,
Patto-Panaji, Goa.

...Respondents

Mr. Shivan Desai with Ms. Riya Amonkar, Advocates for the
Petitioner.

Mr. Devidas Pangam, Advocate General with Ms. Maria
Correia, Additional Government Advocate for Respondent Nos.
1 and 3.

Mr. Somnath Karpe with Mr. Anand Shirodkar, Ms. R. Shirodkar and Mr. Y. Karpe, Advocates for Respondent No. 2.

WITH

**MISC. CIVIL APPLICATION NO. 579 OF 2026
IN
WRIT PETITION NO. 300 OF 2026**

The Goa State Commission for Backward
Classes Office at (Old) IPHB Complex,
Altinho, Panaji, Goa.

... Applicant

IN

Nimesia Faleriro,
Aged 44 years,
H. No. 40, N.D Naik Road,
Chandrawado, Fatorda,
South Goa.

... Petitioner

Versus

- 1) State of Goa Through the Chief
Secretary, Alto-Porvorim,
Bardez, Goa Email: cs-goa@nic.in
- 2) The Goa State Election Commission,
Opp. Joggers Park Next to BSNL Tower,
Altinho, Panjim, Goa.
Email: Comm-gsec.goa@nic.in
- 3) The Director of Municipal Administration,
Department of Urban Development
Dempo Tower, 1st floor, Patto, Panaji,

Goa Email: dir-dma.goa(@nic.in)

- 4) The Goa State Commission for Backward
Classes Office at (Old) IPHB Complex,
Altinho, Panaji, Goa

...Respondents

Mr S. S. Kantak, Senior Advocate, with Mr. H. D. Naik and
Ms. Neha Kholkar, Ms. Saicha Desai and Ms. Deepti
Kambli, Advocates for the Applicant.

Mr D. Pangam, Advocate General with Ms. Maria Correia,
Additional Government Advocate for the Respondent Nos.
1 and 2.

Mr. Somnath Karpe with Mr. Anand Shirodkar and Ms. S.
Vaigankar, Advocates for the Respondent No. 3.

**CORAM : VALMIKI MENEZES &
AMIT S. JAMSANDEKAR, JJ.**

RESERVED ON : 7TH OCTOBER, 2026

PRONOUNCED ON: 9TH OCTOBER, 2026

JUDGMENT (per Valmiki Menezes, J.):

1. Heard learned Advocates for the parties.
2. Rule. Rule is made returnable forthwith; at the request
of and with the consent of learned Advocates for the parties,
the matter is finally heard and disposed of. Learned Additional
Government Advocate Ms. Maria Correia, waives service of
notice of for Respondent Nos. 1 and 3 in Misc. Civil Application

No. 579/2026 and for Respondent Nos. 1 and 2 in Writ Petition No. 300/2026. Learned Advocate Mr. Anand Shirodkar, waives service of notice for Respondent No. 2 in Misc. Civil Application No. 579/2026 and for Respondent No.3 in Writ Petition No. 300/2026.

3. The challenge in the petition filed under Article 226 of the Constitution of India is to a Final Notification bearing No. 4/93Delimitation/11-Mc/2026/Sec/Part2/299 dated 09.09.2026 issued by the State Election Commissioner (Respondent No. 2) under Section 10(3) of the Goa Municipalities Act ('the Act'). The impugned notification seeks to publish the Delimitation Map of Wards within 11 Municipal Councils, in which elections are required to take place in accordance with the directions issued by this Court in its Judgment dated 25.08.2026 passed in Writ Petition Nos. 300/2026, 1069/2026, 1073/2026, 1071/2026 and 1072/2026.

4. The petition urges two primary grounds which are:
(a) That the impugned notification suffers from arbitrariness and non-application of mind and has been issued without following the mandatory statutory provisions of consultation with the Government of Goa, prior to its publication.

(b) That the 77 objections to the draft Delimitation of the Wards of the 11 Municipal Councils had neither been considered by the State Election Commission (SEC), nor was there any application of mind by the SEC in its order rejecting all 77 applications; further that the SEC had failed to submit to the Government of Goa all 77 objections with orders passed thereon and all relevant material which included the communications/reports of the Electoral Registration Officers (ERO)/Deputy Collector having jurisdiction over the concerned municipal area and the delimitation maps to enable the Government and the SEC to have a meaningful consultation, as is required by Sub Section 3 of Section 10 of the Act, rendering the final notification of delimitation to be arbitrary.

5. The SEC filed its Affidavit dated 06.10.2026, in which it has supported its action and contended that the Final Delimitation notification was issued after all the relevant material was communicated to the Government of Goa on 04.09.2026, and since there was no response until 09.09.2026 from the Government, in adherence to the directions of this Court in its Judgment dated 25.08.2026 passed in Writ Petition Nos. 300/2026, 1069/2026,

1073/2026, 1071/2026 and 1072/2026, it published the impugned Notification.

According to the Affidavit, the SEC received 77 objections with respect to 9 Municipalities, namely Pernem, Bicholim, Mapusa, Quepem, Curchore-Cacora, Margao, Cuncolim, Canacona and Mormugao, which were considered and disposed of. According to the Affidavit, the objections broadly concerned geographical contiguity in the process of delimitation. According to the Affidavit, prior to passing orders on the objections, they were forwarded on 26.08.2026 to the ERO having jurisdiction over each of the 9 Municipal areas, and after physical verification at site, the ERO prepared a report/map and submitted the same to the SEC. After considering the report and the map written by the EROs, the SEC passed its order under Section 10(3) of the Act on 03.09.2026, which is recorded in a file noting produced along with the Affidavit with an annexed Scrutiny Report in which the order passed on each of the 77 objections is reflected.

6. The Government of Goa has filed an Affidavit in Reply dated 06.10.2026 sworn by its Director of Municipal Administration in which it has recorded the following facts and contentions:

(a) That in terms of the Judgment dated 25.08.2026 passed in Writ Petition Nos. 300/2026, 1069/2026, 1073/2026, 1071/2026 and 1072/2026, the SEC was required to complete the process of consideration of objections to the Draft delimitation along with the process of consultation of the Government and publish the final delimitation by 09.09.2026. That the publication of the Draft Delimitation which was done by the SEC on 24.07.2026, received 77 objections and suggestions.

(b) That considering there are 77 objections and in the light of the volume of objections raised by the public, and in the light of the observations noted by the Government in Note dated 04.09.2026, the Government would require a period of 15 days to consider all this material and effectively conclude the consultation process.

7. The Petitioner, represented by Advocate Shri. Shivan Dessai has advanced the following submissions:

(a) That the process of consultation contemplated by Sub Section 3 of Section 10 of the Act, postulates an effective consultation, involving exchange of mutual view points of the parties and the examination

of the relevant merits of the other parties point of view. According to the Counsel, considering that the SEC communicated the Final Delimitation to the Government on 04.09.2026, which was a Friday, the consultation contemplated in the provisions of the Act was not effectively complied with since, without waiting for any communication from the Government, the Final Notification of Delimitation came to be published on 09.09.2026, there being no effective consultation process, in the facts of the case, the impugned notification stands vitiated and must be declared to suffer from arbitrariness and contrary to the spirit of Sub Section 3 of Section 10 of the Act.

(b) That on the undisputed facts pleaded in the petition and which are borne from the records of the SEC and of the notings in the Government file, the communication of the SEC to the Government dated 04.09.2026 containing the proposal for delimitation for the purpose of consultation, was a truncated communication; the communication did not contain the 77 objections of the public to the draft notification, nor did it contain the delimitation plans or the orders passed on the objections, which were essential for the

Government to consider in the consultative process. It was submitted that for a meaningful consultation, there ought to have been placing of all material in possession with the SEC before the Government, and consideration/exchange of mutual view points, which were non-existent. In fact, without waiting for any communication from the Government, within two effective working days, Saturday, 5th of September, 2026 and Sunday 6th of September, being non-working days, the Final Order and Delimitation Notification was issued in contravention of Section 10 of the Act. Reliance is placed on *State of Jammu & Kashmir V/s A. R. Zakki and others, reported in 1992 Supp (1) Supreme Court Cases 548*.

8. The learned Advocate General for the State of Goa supporting the contentions raised in the petition submitted that the Government, whilst having received a communication dated 04.09.2026 from the SEC through the Director of Municipal Administration was apprised of the fact that there were 77 objections from the public, neither was the decision on 77 objections communicated, nor was the Draft Delimitation Map of each Municipality communicated; the learned Advocate General contended

that this fact was immediately communicated by the Director of Municipal Administration on 22.09.2026 along with the notings on the Government file raising its concerns about the fact that no consultation would be possible without the SEC placing before the Government its entire file containing the objections of the public, the decisions taken thereon, the reports of the EROs and the proposed Delimitation Plans. The learned Advocate General submitted that there is no dispute in the fact that all these material was never communicated to the Government and merely because this Court, in its Judgment dated 25.08.2026 passed in Writ Petition Nos. 300/2026, 1069/2026, 1073/2026, 1071/2026 and 1072/2026 had directed the SEC to publish the Delimitation Notification by 09.09.2026, the SEC ought not to have issued the notification without completing the consultation process.

9. Whilst this petition was pending, the Goa State Commission for Backward Classes (Commission for Backward Classes) filed Miscellaneous Civil Application No.579 of 2026 in the aforementioned Writ Petition No.300 of 2026 seeking extension of the timelines in the direction to the Commission for furnishing its Report/Data under Section 10(4) of the Act to the SEC. This application was

heard along with the present petition. The application has been opposed by the original Petitioners in Writ Petition No. 300/2026 and Writ Petition No. 1071/2026 who contended in their reply that the application for extension of time sought by the Commission for Backward Classes is ruse to avoid holding Elections to the Municipal Councils prior to the Assembly Elections which are likely to fall due on the expiry of the term of the Goa Legislative Assembly. According to the original Petitioner, in the said petition, the application ought to be dismissed as granting the same would amount to a fraud in the electoral process and the mandate of Article 243 U of the Constitution of India.

10. We have considered the submissions of the Counsel and the record of this petition and of the MCA No.579/2026 in WP 300/2026. From the material before us, the following facts, which are stated in a tabular form are not in dispute:

DATE	FACT
25.08.2026	This Court has disposed of Writ Petition No. 300/2026 and other connected petitions in which Writ of Mandamus to direct the SEC to complete the election process for 11

	Municipal Councils in the State of Goa was sought. A challenge to the vires of an ordinance, amending Section 10 of the Act (now passed as a law by Legislative Assembly) was also thrown in the petition which was rejected by this Court's Judgment. Directions were issued therein to the SEC to complete the process of inviting objections to the Draft Delimitation of Wards, pass orders thereon, prepare a draft of the Final Delimitation, complete the consultation process with the Government of Goa and issue Final Delimitation notification under Section 10(3) of the Act by 09.09.2026. The record reveals that the last of the 77 objections received by the SEC came is on 24.08.2026, a day prior to the passing of the Judgment.
26.08.2026	The SEC forwarded the objections to delimitation in 9 Municipal Councils, which broadly concerns geographical contiguity in Wards, to the EROs having jurisdiction over those Municipal areas, to verify the site vis-

	a-vis the objections and to prepare their reports and submit maps in relation to the objections.
02.09.2026	The EROs completed their reports and submitted the same to the SEC along with Delimitation Maps after considering the objections.
03.09.2026	The SEC, within 24 hours of receiving of the report passed orders on 77 objections after considering the reports.
04.09.2026	The SEC communicates to the Government, through the Directorate of Municipal Administration, the draft of the Final Delimitation for consultation under Section 10(3) of the Act. There is no denial in the Affidavit of the SEC that the communication was not accompanied by the 77 objections, the Maps and Reports prepared by the EROs, the orders passed on each objection and the SEC's consideration for such rejection, nor the communication contained all other

	material in possession of the SEC, to enable the Government to enter into consultation with the SEC, based upon such material.
09.09.2026	The SEC proceeded to issue the Notification of Final Delimitation, which is impugned in the petition.
16.09.2026	The Government file contains a note of the Minister of Urban Development raising the following objections: 1. That 77 objections received by the SEC and the manner in which they were considered on the application of mind to the objections, is not part of the file, which is necessary for effective consultation. 2. That the Government requires to peruse the complete file from the SEC to enable it to apply its mind before participating in the consultation process.
16.09.2026	The Government file then contained the noting by the Chief Minister on similar lines,

	in addition to which specific notings are made that the Delimitation Maps have not been placed on the file.
22.09.2026	The Director of Urban Development/Municipal Administration communicates to the SEC the objections of the Government along with the file noting.

11. From the above factual matrix, which is not in dispute, we can clearly gather that the Government has not received the entire material in possession of the SEC to complete the consultation process contemplated under Section 10 of the Act. We would expect, for a meaningful consultative process, before finally notifying the delimitations of Wards, the SEC to lay before the Government all the 77 objections, the Reports and Maps prepared by the EROs and the detailed orders passed by the SEC demonstrating application of mind as to why the objections stood rejected. None of this material was obviously placed before the Government, and despite this Court having granted liberty to apply in generally accepted circumstances to this Court for extension of the deadline for each stage specified in Judgment dated 25.08.2026, the SEC thought it necessary

to, in a hot hurry, publish the Notification for Delimitation without entering into any consultation with the Government. These facts clearly demonstrate that the impugned Notification has been published in complete breach of provisions of Section 10(3) of the Act mandating consultation with the Government. In *A. R. Zakki* (supra), the Supreme Court was considering the meaning of the expression “consultation” in a rule making process for enacting rules of judicial service in the State of Jammu & Kashmir. It has observed as under:

“17. While construing the expression "consultation" this Court has laid down that though consultation does not mean "concurrence", it postulates an effective consultation which involves exchange of mutual viewpoints of each other and examination of the relative merits of the other point of view. Consultation or deliberation is not complete or effective before the parties thereto make their respective points of view known to the other or others and discuss and examine the relative merits of their views. [See: Chandramouleshwar Prasad v. Patna High Court and M.M. Gupta v. State of J & K²] In the context of Article 233 of the Constitution of India which requires that appointments of persons to be, and the posting and promotion of, District Judges in any State shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to such State, this Court in M.M. Gupta case has observed as under: (SCR p. 626: SCC p. 438, para 34)

normally, as a matter of rule, the recommendations made by the High Court for the appointment of a District Judge should be accepted by the State Government and the Governor should act on the same. If in any particular case, the State Government for good and weighty reasons find it difficult to accept the recommendations of

the High Court, the State Government should communicate its views to the High Court and the State Government must have complete and effective consultation with the High Court in the matter. There can be no doubt that if the High Court is convinced that there are good reasons for the objections on the part of the State Government, the High Court will undoubtedly reconsider the matter and the recommendations made by the High Court. Efficient and proper judicial administration being the main object of these appointments, there should be no difficulty in arriving at a consensus as both the High Court and the State Government must necessarily approach the question in a detached manner for achieving the true objective of getting proper District Judges for due administration of justice."

Applying the aforementioned observations to the specific facts stated above, we are of the opinion that in the present case there has been neither communication of the material by the SEC, which would form the basis and substratum for the consultative process contemplated by Sub Section 3 of Section 10, but instead of there being some deliberation on the serious matter of delimitation of the Wards, the SEC has chosen to completely ignore the Government views or even await them, and has in a hot hurry proceeded to publish the delimitation, in contravention of the mandate of the Act.

12. We have also considered the material on the file of the SEC which purports to be the orders passed under Section 10 rejecting 77 objections and considering the Reports/Maps of the EROs. The Reports and Maps along

with the 77 objections were placed before of SEC in the form of the notes of the Assistant Director on 03.09.2026. The note contains the objections, Municipality wise, received by the SEC. The SEC, in a single paragraph, on 03.09.2026, states that he has analysed the Reports and Maps considering the geographical contiguity, natural boundaries, distance to polling booth and members of a single household to be retained in the same Ward, and after considering the objections, has partly accepted some suggestions and rejected the rest.

13. The Scrutiny Report annexed to this “Order” of rejection of objections, which is of the same date is also before us. We have, on perusal of this Report observed that it is in tabular form and states reasons in the last column of the table, as to whether the objections are accepted or rejected. The column only records the acceptance /part acceptance or rejection of the objections without any detailed reasons.

We do not wish to express any opinion as to whether the procedure adopted by the SEC as observed in the Scrutiny Report really reflects application of mind to the objections or reports by the EROs, but leave it to the Government of Goa to consider the views of the SEC on the

objections, in whichever form they may be as part of the consultation process. We, however, cannot help but observe, that the SEC has disposed of 77 objections claiming that all Reports of the EROs were also considered during this process, within a period of 24 hours from being placed before it.

14. Considering that there was no consultative process of the nature required under Sub Section 3 of Section 10 of the Act between the SEC and the Government, the impugned Notification dated 09.09.2026 must be declared to be arbitrary and without following the mandate of the said provision. We consequently, quash and set aside the impugned Notification bearing No. 4/93Delimitation/11-Mc/2026/Sec/Part2/299 dated 09.09.2026 issued by the State Election Commissioner (Respondent No. 2) and direct the Respondent No. 2/SEC to forthwith communicate the entire file along with 77 objections, Reports of the EROs, the orders passed on the objections, all Delimitation Maps or other material available with the SEC collected in pursuance of exercise of powers under Sub Sections 1 to 3 of Section 10 of the Act, to the Government of Goa. Immediately on receipt of the aforementioned material/file, the Government of Goa shall consider the same and

establish the process of consultation with the SEC, as contemplated under Sub Section 3 of Section 10 of the Act and complete this process by 26.10.2026, when the SEC shall publish the Delimitation as contemplated under the aforementioned provision.

15. Having considered the original timelines specified in our Judgment dated 25.08.2026, for completion of the entire process contemplated under the Goa Municipalities Act, for elections to the 11 Municipal Council referred to therein, and the reasons stated by the Commission for Backward Classes, we, further issue the following directions. The directions contained in Clauses (iv) to (x) of para 502 of Judgment dated 25.08.2026 issuing specific timelines therein shall now be advanced in the following terms:

Date	Event
26.10.2026	State Election Commission shall complete consideration of objections to draft delimitation and publication of the final delimitation under section 10(3)
26.11.2026	The Goa State Commission for Backward

	Classes shall furnish its report/data under Section 10(4) to the State Election Commission
30.11.2026	The State Election Commission shall publish the draft reservation notification under Section 10(5) on or before 30 th November 2026
30.12.2026	Last date for filing objections to the draft reservations.
19.01.2027	The State Election Commission shall complete their consideration, Government consultation and publication of final reservation under Section 10(6)
19.02.2027	Notification declaring elections

16. Rule is made absolute in terms of prayer Clause (a) of the petition with the directions issued in paragraphs Nos. 12 and 13 above. MCA No. 579 of 2026 stands disposed of extending the timelines for the Commission for Backward Classes to complete the process under Section 10 Sub Section 4 of the Act as per the directions in paragraph Nos.12 and 13 above. To facilitate the Commission for

backward classes to complete its Report/Data by 26.11.2026, we direct the Administrator of all 11 Municipal Councils in the State of Goa to furnish all the data required by the Commission and to assist the Commission by providing such Officers or Staff to enable the completion of the Report within the specified timeline. In the circumstances of the case, we impose no costs.

AMIT S. JAMSANDEKAR, J.

VALMIKI MENEZES, J.