

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 450 OF 2014

M/S. SHREE BALAJI CONCEPTS AND
ANR.,

... Petitioners

Versus

STATE OF GOA THROUGH ITS CHIEF
SECRETARY AND 9 ORS.,

... Respondents

Shri Ravi Kadam, Senior Advocate with Shri Ashis Kamast and Shri Hanumant D. Naik, Advocates for the petitioners.

Shri A. N. S. Nadkarni, Advocate General with Shri D. Lawande, Government Advocate for respondents No.1, 5 and 10.

Shri Nigel Costa Frias, Advocate for respondent No.3.

Shri Amit Palekar, Advocate for respondent No.4.

Coram:- F. M. REIS &
K. L. WADANE, JJ.

Date:- 19th January, 2015

P.C.:

Heard Shri Ravi Kadam, learned Senior Counsel appearing for the petitioners, Shri A. N. S. Nadkarni, learned Advocate General appearing for the respondents No.1, 5 and 10, Shri Nigel Costa Frias, learned Counsel appearing for respondent No. 3 and Shri Amit Palekar, learned Counsel appearing for respondent No.4.

2. By an order dated 29th October, 2014, this Court, inter alia, accepted the statement of Shri Nigel Costa Frias, learned Counsel appearing for respondent No.3 that respondent No.3 would file an appropriate application before the National Green Tribunal, restricting the claim of respondent No.3 in the proceedings before

the said Tribunal to the issues which come within the provisions of Schedule I of the National Green Tribunal Act, 2010. Accordingly, Shri Nigel Costa Frias, learned Counsel appearing for respondent No.3 points out that respondent No.3 has already filed such an application and according to him, the contentions raised by respondent No.3 in such proceedings are issues within the scope of Schedule I of the National Green Tribunal Act, 2010. The learned Counsel has also produced a copy of the order passed by the learned Tribunal dated 7th January, 2015 which, inter alia, reads thus :

" Heard the Applicant in person and Advocates for Respondents. We clarify that the amendment has been allowed excluding the references to the violations regarding the Municipal Laws and all Rules pertaining to Village Panchayat Act, which tends to be considered, if not covered by the specific areas indicated in order dated December 10, 2014.

The other amendments in the grounds of appeal pertaining to environmental issues is allowed.

The applicant to file a fresh Amended Application containing only the environmental issues."

3. Shri Kadam, learned Senior Counsel appearing for the petitioners has accepted the said position, but pointed out that all contentions of the petitioners, including the point of limitation, on

such alleged issues raised before the learned Tribunal are to be left open.

4. Taking note of the said order of the learned Tribunal, we find that there is no reason to keep the above petition pending in this Court. The only issues now raised by respondent No.3 before the learned Tribunal are stated to be within the purview of Schedule I of the National Green Tribunal Act, 2010.

5. Hence, taking note of the observations of the learned Tribunal in the order dated 7th January, 2015, we dispose of the above writ petition. All contentions of the petitioners herein, on merits, with regard to such petition before the learned Tribunal, are left open. Interim order stands accordingly vacated.

K. L. WADANE, J.

F. M. REIS, J.

ssm.