

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 642 OF 2015**

Shri Uday Kamlakant Naik,
Sole Proprietor of
M/s Abhishek Engineers,
having its office at Karma
Empress No. 5 to 13, 1st Floor,
Near KTC Bus Stand, Mundvel,
Vasco da Gama, Goa – 403 802 Petitioner

V e r s u s

1. The State of Goa,
through its Chief Secretary,
having office at the Secretariat,
Porvorim Goa.
2. Goa Coastal Zone Management Authority,
through its Member Secretary,
C/o Department of Science,
Technology and Environment
(Govt. of Goa), 3rd Floor,
Dempo Towers,
Patto, Panaji Goa 403 001. Respondents

Mr. Devidas J. Pangam, Advocate for the petitioner.

Mr. Manish Damodar Salkar, Government Advocate for the respondents.

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

Date :- 2nd September, 2015

ORAL JUDGMENT (Per F. M. Reis, J)

Heard Mr. D. Pangam, learned counsel appearing for the
petitioner and Mr. M. Salkar, learned Government Advocate appearing

for the respondents.

2. Rule. Heard forthwith with the consent of the learned counsel.

3. The learned counsel appearing for the respondents waives service.

4. Upon hearing the learned counsel appearing for the respective parties, without going into the merits of the rival contentions a short point which arises for consideration in the above Writ Petition is whether the impugned order dated 21.07.2015 stands vitiated for not complying with the principle of natural justice.

5. Mr. D. Pangam, learned counsel appearing for the petitioner has pointed out that the impugned order does not disclose any reasons to arrive at the conclusion stated therein. The learned counsel further pointed out that during the course of the hearing the respondents relied upon a report which was not furnished to the petitioner in advance nor any opportunity given to the petitioner to meet the allegations in such report. The learned counsel further submits that as no adequate opportunity was given to the petitioner to meet the allegations of the respondents in the show cause notice, the impugned order deserves to be quashed and set aside.

6. On the other hand, Mr. Salkar, learned Government Advocate appearing for the respondents points out that the petitioner has committed a breach of the conditions of licence and as such the respondents are entitled to issue the show cause notice to the petitioner and take necessary action in accordance with law. The learned Government Advocate further submits that though there are no reasons in the impugned order nevertheless, the impugned order refers to the minutes of the meeting which according to him would disclose such reasons. The learned Government Advocate as such submits that in case this Court is inclined to remand the matter, directions may be issued to decide the show cause notice as expeditiously as possible.

7. We have considered the rival contentions of the learned counsel and we have also gone through the records. On plain reading of the impugned order dated 21.07.2015, we find that there are no reasons discloses therein to show how the respondents have arrived at such conclusion. Apart from that, the reliance upon the report which was not furnished to the petitioner would also result in a breach of the principle of natural justice. On this short point, we find that the impugned order dated 21.07.2015 passed by the respondent no.2 cannot be sustained and deserves to be quashed and set aside. Needless to say that the respondent no.2 can proceed to take a decision on the show cause notice dated 18.02.2015 after hearing the petitioner in accordance with law as expeditiously as possible and in

any event within four months from the date of the receipt of the order.

8. In view of the above, we pass the following :

O R D E R

(i) The impugned order dated 21.07.2015 is quashed and set aside.

(ii) The respondent no.2 shall proceed to decide the said show cause notice in the light of the observations made herein above in accordance with law.

(iii) Rule is made absolute in above terms.

(iv) All contentions of both the parties on merits are left open.

(v) The petition stands disposed of accordingly.

K. L. WADANE, J

F. M. REIS, J

at*

