

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 601 OF 2008

1. M/s. Twenty First Century Wire Rods Ltd.,
represented by,
Shri Pritam Sharma,
presently working as 'Quality In-charge'
in the petitioner Company,
Plot No.D-9/1, Madcaim Industrial Estate,
Madcaim, Ponda Goa.
2. Shri V. K. Vasu,
Shareholder and Director of the
petitioner no.1 Company,
Plot No.D-9/1, Madcaim Industrial Estate,
Madcaim, Ponda Goa. Petitioners

V e r s u s

1. The State of Goa
through the Chief Secretary,
Secretariat, Porvorim,
Bardez Goa.
2. The Chief Electrical Engineer,
Electricity Department,
Government of Goa,
having office at Vidhyut Bhavan,
Panaji Goa.
3. The Executive Engineer,
Division III, Electricity Department,
Government of Goa,
Curti, Ponda Goa. ... Respondents

Mr. H. D. Naik, Advocate for the petitioners.

Mr. M. Salkar, Government Advocate for the respondents.

Coram:- F. M. REIS &
C. V. BHADANG, JJ.

Date:- 18th November, 2015

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

We have heard Mr. H. D. Naik, learned counsel appearing for the petitioners and Mr. M. Salkar, learned Government Advocate appearing for the respondents at length.

2. Mr. Naik, learned counsel appearing for the petitioners submits that in similar situations as that of the petitioners, there was a settlement arrived at between the State Government-respondents herein and M/s. Karthik Inductions Ltd., whereby a similar substantial claim of the respondents towards electrical charges and delay payment was waived. Mr. Naik, learned counsel further states that on the similar line the petitioners desire to make a representation to the respondents to examine the claim put forward by the respondents towards the electrical charges and delay payment claimed from the petitioners. The learned counsel further pointed out that the respondents may accordingly be directed to examine such representation in the light of the decision taken in respect of the said M/s. Karthik Inductions Ltd.

3. On the other hand, Mr. M. Salkar, learned Government Advocate appearing for the respondents has pointed out that the said company had in fact made payment to the State Government before any such representation was examined by the State

Government. But in contrast, according to the learned Government Advocate, the petitioners have refused to pay any amount to the State Government and as such unless and until a substantial amount is deposited or paid to the State Government, the respondents shall not examine any representation, if any, filed by the petitioners.

4. Mr. Naik, learned counsel appearing for the petitioners upon instructions states that the bank guarantee furnished by the petitioners for a sum of Rs. 3 crores may be encashed by the State Government but however, such amount would be subject to final decision which may be taken by the respondents on the representation being filed by the petitioners.

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

ORDER

(i) The petitioners are at liberty to make a representation to the respondents with regard to the claim put forward by the respondents in connection with the arrears of electrical charges, delay payment, penalty etc., within one month from today.

(ii) The respondents shall examine such representation on its own merits after hearing

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the petitioners within three months thereafter.

(iii) The respondents are permitted to encash the bank guarantee of Rs.3 crores furnished by the petitioners and such amount recovered shall be subject to the final decision which may be taken by the respondents on the representation referred herein above.

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

(v) Rule is made absolute in above terms.

(vi) The petition stands disposed of accordingly.

C. V. BHADANG, J.

F. M. REIS, J.

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