

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 216 OF 2016

IN

WRIT PETITION NO. 670 OF 2010

M/S. SOCIADADE DE FOMENTO
INDUSTRIAL PVT.LTD., REP. BY ITS
DIRECTOR FRANCISCO LUME PEREIRA.

... Applicant

Versus

STATE OF GOA, THROUGH ITS
SECRETARY OF FINANCE AND ANR.,

... Respondents

Shri Parag S Rao, Advocate for the applicant.
Shri A.N. S. Nadkarni, Advocate General with Shri S.S. Rebello,
Additional Government Advocate for the respondents.

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

Date:- 29th February, 2016

P.C.:-

Heard Shri Parag S. Rao, learned Counsel for the applicant.

2. This is an application for amendment of the petition. The applicant seeks to include some subsequent events and consequently, the prayer.

3. The learned Government Advocate strongly opposes the said application, as according to him, the application for amendment is for refund of amount and the question of seeking any refund of amount is a matter of discretion of this Court. It is further pointed out that the

petitioners are not entitled for any such refund and as such leave to incorporate such allegation is to be rejected.

4. Upon hearing the learned Counsel, keeping all the contentions of the respondents open and taking note of the fact that the allegations sought to be incorporated are in view of the subsequent events, we find that the petitioners are entitled to amend the petition. Respondents can file reply to the additional averments, if so advised. All contentions of both the parties on merits are kept open including the plea of limitation.

6. Amendment to be carried out within one week. Copy of the amended petition to be furnished to the respondents. Respondents, if so advised, to file reply within two weeks.

K. L. WADANE, J.

F. M. REIS, J.

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