

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 494/2016**

M/s. Ashirwad Enterprises,
A Partnership Firm, duly constituted
in terms of the Partnership Act,
registered before the Registrar of Firms,
having its registered office at
SA-35, Cuncolim Industrial Estate,
Cuncolim, Goa through its
Managing Partner, Mr. Roy D'Silva,
41 years of age, resident of S-2,
B-Wing, Colmorod,
Navelim, Salcete, Goa.

..... **Petitioner.**

V/s.

1) The Goa Industrial Development
Corporation through its
Managing Director,
EDC, Patto Plaza, Panaji, Goa.

2) The Chief General Manager,
The Goa Industrial Development
Corporation, EDC,
Patto Plaza, Panaji, Goa.

3) The General Manager,
Estate Division, EDC,
Patto Plaza, Panaji, Goa.

4) The Chairman,
The Goa Development Industrial
Corporation, EDC,
Patto Plaza, Panaji, Goa.

5) Director of Industries & Social Welfare,
Government of Goa,
Panaji, Goa.

6) Chief Secretary,
Government of Goa,
Secretariat, Porvorim, Bardez, Goa.

..... **Respondents.**

Mr. C. Fonseca, Advocate for the petitioner.

Mr. D. Lawande, Advocate for the respondent No.1

Mr. Pravin Faldessai, Additional Government Advocate for the respondents No.5 and 6.

**CORAM :- F.M. REIS &
NUTAN D. SARDESSAI, JJ.**

Date : - 21/06/2016.

ORAL JUDGMENT : (PER F.M. REIS, J.)

Heard Mr. C. Fonseca, learned Counsel appearing for the petitioner, Mr. D. Lawande, learned Government Advocate appearing for the respondent No.1 and Mr. P. Faldessai, learned Addl. Government Advocate appearing for the respondents No.5 and 6.

2. Rule. Learned Counsel appearing for the respondents waive service. Heard forthwith, with the consent of the learned Counsel.

3. Upon hearing the learned Counsel appearing for the respective parties, without going into the merits of the rival

contentions, a short point that falls for consideration is, whether the petitioners are justified in their request to the respondent No.1 to give them an opportunity of hearing before the Scrutiny Committee based on the intimation received by the petitioner dated 30/03/2016 to remain present before such Committee on 06/04/2016. It is pointed out by the learned Counsel appearing for the petitioner that the petitioner was unable to remain present on the said date on account of sickness and other reasons which have been clearly mentioned in the application dated 21/04/2016.

4. It is pointed out by Mr. D. Lawande, learned Government Advocate appearing for the respondent No.1 that the subject-plot is still available for allotment and, as such, there is no difficulty for the respondent to consider the application of petitioner dated 8/12/2015, afresh, but, subject to the petitioner remaining present before the Scrutiny Committee in terms of the Regulations.

5. Considering the facts and circumstances of the case, as the petitioner was unable to remain present before the Scrutiny Committee on the relevant date for justifiable reasons, we find that a fresh opportunity can be given to the petitioner to remain present before the

Scrutiny Committee to consider their application for allotment of the plot in terms of the Regulations.

6. The respondents are accordingly directed to give a fresh opportunity to the petitioner to remain present before the Scrutiny Committee and such Committee shall proceed to consider their application for allotment of the plot, in accordance with law. The respondents shall intimate minimum one week in advance the date of appearance before the Scrutiny Committee to the petitioner. We make it clear that we have not examined the rival contentions on merits, and the decision with regard to claim for allotment of plot shall be considered by the respondents on its own merits and in accordance with law.

7. Rule is made absolute in the above terms, with no order as to costs.

NUTAN D. SARDESSAI, J.

F.M. REIS, J.

ssm.