

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 559 OF 2016

MINEIRA NACIONAL LIMITADA AND 2
ORS.

... Petitioner

Versus

HARDESH ORES PVT. LTD., AND 2 ORS.

... Respondent

Shri Ashwin D. Bhobe with Ms. Carmita Mashelkar and Ms. S. Bhobe, Advocates for the Petitioners.

Shri S.S. Kantak, Senior Advocate with Shri P. Taulikar, Shri Gurudatt Mallaya and Ms. L. Da Costa Rodrigues, Advocates for Respondent No.1.

None for Respondent No.2.

Shri Amir Jamdar, Additional Government Advocate for Respondent No.3.

Coram:- C. V. BHADANG, J.

Date:- 3rd October, 2016

P.C.:

Heard Shri A.D. Bhobe, the learned Counsel for the petitioners and Shri S.S. Kantak, the learned Senior Counsel for the respondent no.1. At this stage, the respondent no.1 is the only contesting respondent.

2. By consent of the contesting parties, the petition is disposed off in the following terms:

(i) The impugned order to the extent it fails to consider the contention raised by the petitioners on the basis of Rule 7 of the Goa (Prevention of Illegal Mining, Storage and Transportation of Minerals) Rules, 2013 is set aside.

(ii) The learned District Judge shall decide the application afresh on hearing the parties, on contention raised on the basis of Rule 7 of the Goa (Prevention of Illegal Mining, Storage and Transportation of Minerals) Rules, 2013 in accordance with law.

(iii) The plans submitted by the petitioner before this Court shall be sent to the learned District Judge. The learned District Judge shall pass appropriate orders in respect of the same, while deciding the application filed by the respondent no.1.

(iv) The learned District Judge shall decide the application as expeditiously as possible and positively on or before 30th November, 2016.

(v) It is made clear that this Court has not expressed any opinion on the merits of the impugned order as passed and all the rival contentions of the parties are left open.

(vi) The petition is disposed off in the aforesaid terms with no order as to costs.

C. V. BHADANG, J.

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