

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 707 OF 2016

M/s. Valancani Shipping Rep By
Its Partners & 3 Ors.

... Petitioners

V e r s u s

Government of Goa, Thr. Finance
Secretary & 2 Ors.

... Respondents

Shri Balkrishna Sardessai, Advocate for the Petitioners.
Shri Sidharth Saman, Advocate for the Respondent no. 2.
Ms. P. Kalangutkar, Addl. Government Advocate for the Respondent nos. 1
and 3.

Coram :- F. M. REIS,
NUTAN D. SARDESSAI, JJ.

Date: 26th October, 2016

P.C.

Heard the learned Counsel appearing for the respective parties.

2. The above Petition takes exception to the manner in which the
OTS Scheme floated by the Respondents has been considered with regard
to the claim put forward by the Petitioners.

3. The grievance of the Petitioners is that the OTS Scheme also
includes outstanding with regard to the Term Loan as well as the dues on the
Working Capital. But, however, the Respondent-bank has seriously disputed

the amounts as claimed by the Petitioner. These disputed questions of fact cannot be examined by this Court in the present Writ Petition. In any event, the modalities of the payments of the dues of the Bank are in the nature of contractual obligations between the parties and such dispute cannot be entertained by this Court in a Writ Petition under Article 226 of the Constitution of India when there are serious disputed questions of fact.

4. At this stage, the learned Counsel appearing for the Petitioners has pointed out that the representation filed by the Petitioners is pending consideration before the Respondent-bank in connection with the balance amount claimed by the Respondents. Any representation if at all pending may be examined by the Respondent-bank as expeditiously as possible in accordance with law.

5. Subject to the above, the Petition stands rejected

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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