

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 847 OF 2016

M/S. ROLEX WATERWAYS, REP. THR.

PROP. MRS. JYOTI ATUL JADHAV.,

... Petitioner

Versus

GOVT. OF GOA, THR. CHIEF SECRETARY

AND 2 ORS.,

... Respondents

Mr. Sardessai Balkrishna Prakash, Advocate for the petitioner.

Ms. Priyanka Kamat, Additional Govt. Advocate for the respondents

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

Date:- 19th September, 2016

P.C.:

Heard Mr. Sardessai, learned Counsel appearing for the petitioner and Ms. Kamat, learned Additional Govt. Advocate for the respondents.

2. The petitioner seeks direction to refund the excess amount which, according to the petitioner, has been paid based on an OTS Scheme. The learned Advocate appearing for the respondent-Bank disputes that any excess amount has been paid by the petitioner.

3. In any event, such disputed questions of facts arising from contractual matters cannot be examined by this Court in a petition under Article 226 of the Constitution of India. The petitioner, if so advised, may resort to an alternate remedy to recover such amount, if

any, in accordance with law. Subject to the above, the petition stands disposed of.

4. At this stage, Mr. Sardesai, learned Counsel appearing for the petitioner states that a representation dated 22/7/2016 filed by the petitioner is pending before the respondent-Bank. The respondent-Bank shall examine such representation, if any, in accordance with law, expeditiously.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

ssm.