

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 13 OF 2017

IN

WRIT PETITION NO. 736 OF 2015

SALGAOCAR MINING INDUSTRIES LTD.,
THR. ITS DIRECTOR, MR. ARJUN ANIL
SALGAOCAR.,

... Applicant

Versus

THE DIRECTOR, MINES AND ANR.,

... Respondents

Mr. A. F. Diniz with Ms. C. Mashelkar and Mr. Ryan Menezes,
Advocates for the Applicant-Original Petitioner.
Mr. S. S. Kantak, Senior Advocate with Mr. H. D. Naik and Mr.
A. Kamat, Advocates for the Respondent no. 1.
Mr. S. D. Lotlikar, Advocate General with Mr. P. Dangui, Addl.
Government Advocate for the Respondent no. 2.

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

Date:- 17th January, 2017

P.C.

Heard Mr. A. F. Diniz, learned Counsel appearing for the
Applicants-Original Petitioner, Mr. S. S. Kantak, learned Senior
Advocate appearing for the Respondent no. 1 and Mr. S. D.
Lotlikar, learned Advocate General appearing for the Respondent
no. 2.

2. This is an application filed by the Applicants-original
Petitioners to modify the interim Order passed by this Court
dated 28.09.2015.

3. It is the contention of Mr. A. F. Diniz, learned Counsel appearing for the Applicant-Original Petitioners that the Ore lying in the leased premises which originally belonged to the Petitioners is being removed by the Auction Purchaser pursuant to an e-auction conducted by the Respondents. It is further pointed out that in the e-auction notice conducted by the Respondents, it has been specified that such auction is being conducted subject to further Orders which may be passed in the above Petition. Learned Counsel further submits that as the matter is already part heard, it would be appropriate to maintain status quo with regard to the subject auction as, according to him, in case the Ore is lifted, it will be an irretrievable situation as the Petitioners will be deprived of the Ore belonging to the Petitioners. Learned Counsel further pointed out that as such the Auction Purchaser be restrained from lifting the Ore based on the e-auction.

4. Mr. Lotlikar, learned Advocate General appearing for the Respondent no. 2, has pointed out that e-auction has been conducted pursuant to directions of the Apex Court and, as such, any Orders passed by this Court would be contrary to such directions. Learned Advocate General further submits that the auction in question was conducted way back on 22.11.2016 and, as such, it is not open to the Petitioner to now seek such reliefs.

Learned Advocate General further submits that the Auction Purchaser is lifting the Ore upon complying with all the terms and conditions of such auction and the question of granting any interim relief would not arise.

5. Mr. S. S. Kantak, learned Senior Advocate appearing for the Auction Purchaser-Respondent no. 1, has submitted that the Petitioners if they so desire any modification, have to approach the Apex Court. It is pointed out that the Division Bench of this Court has by an Order dated 20.08.2015 passed in Writ Petition no. 649 of 2015, refused similar reliefs to the Petitioners therein. Learned Senior Advocate as such pointed out that there is no case made out for any interim reliefs as, according to him, the Auction Purchaser has already deposited the amount in terms of the auction and further has already made arrangements for further transportation for export.

6. We have considered the submissions of the learned Counsel and we have also gone through the records. The interim Order passed by this Court dated 28.09.2015 has clearly noted that any further action taken by the Respondents would be subject to further orders in the above Petition. It is also undisputed that the Auction Purchaser has been duly notified of such Orders passed by this Court.

7. In such circumstances, we find that there is no change of circumstances to get such Orders modified merely because the matter is placed for final hearing. As the Petitioners have been duly protected by the said observations in the interim Order dated 28.09.2015 and the Auction Purchaser has been duly notified thereof, we find that no case is made out for any modification.

8. Application stands accordingly disposed of.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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