

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
COMPANY APPLICATION NO.23 OF 2016
WITH
STAMP NUMBER MAIN NOS.3571, 3572, 3573, 3574 OF 2015
AND
COMPANY APPLICATION NO.24 OF 2016
WITH
STAMP NUMBER MAIN NOS.3566, 3567, 3568, 3570 OF 2015

The Union of India	... Applicant
<i>Versus</i>	
Sesa Goa Ltd	...Respondent

Mr Mahesh Amonkar, *Central Government Standing Counsel for the applicant*
Mr SS Kantak, *Senior Advocate with A Gosavi for the respondent*

CORAM: G.S. PATEL &
NUTAN D. SARDESSAI, JJ
DATED: 25th September 2017

PC:-

1. Having taken instructions, Mr Amonkar states that he is unable to provide any better explanation for the delay (of two years and 228 days) than already exists in the civil application.

2. We regret that we are unable to accept any part of that explanation. All that we are told that there was time spent for obtaining approvals, clearances, consultations and discussions and in finding “a good counsel at Goa”. Given our experience and familiarity of the calibre and abilities of the Goa Bar, this last comment is not just unacceptable; it is factually incorrect. This Bar’s restraint and courtesy — both exemplary — are not to be mistaken for inability.

3. We are, however, of a mind to make an adverse comment of the averment in paragraph 6. Here the Applicant states that since there are financial implications of several thousands of crores of rupees for the public exchequer the matter required a detailed examination and discussion at various levels; hence the delay. We should have thought that if this is true, and if there is in fact such a considerable potential loss to the loss to the revenue, the Government and its Officers should have acted with greater dispatch and alacrity. Any so-called loss to the revenue, is, therefore, to the account of the revenue and no one else.

4. These are the only grounds given.

5. The application is dismissed. Consequently, the Company Appeals fail and are dismissed.

NUTAN D. SARDESSAI, J

G. S. PATEL, J