

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.908 OF 2017
IN
WRIT PETITION NO. 712 OF 2017

Vedanta Ltd.		Applicants.
Versus		
Board of Trustees of Mormugao Port and Ors.		Respondents.

Mr. S.S. Kantak, Senior Advocate with Mr. Athnain Naik, Advocate
for the Applicants.

Mr. Y.V. Nadkarni, and Ms. Divya Shirgam, Advocates for the
Respondents.

***Coram : N.M. Jamdar &
Nutan D. Sardesai, JJ.***

Date : 13 November 2017.

P.C.:

Heard Mr. S.S. Kantak, learned Senior Advocate
appearing for the Applicants and Mr. Y.V. Nadkarni, learned
Advocate appearing for the Respondents.

2. The learned Senior Advocate appearing for the
Applicants states that, in view of Section 120 of The Major Port
Trusts Act, 1963, for institution of a Civil Suit one month's notice is
required. He submitted that, therefore, before 26 November 2017,

the Applicant cannot institute a Civil Suit since a notice has been given under the said provision.

3. By an order dated 23 August 2017, the Division Bench of this Court (Patel & Sardesai, JJ.), while disposing of the Petition, had stated that for its part the First Respondent will not invoke the bank guarantee for a period of 60 days, after its renewal and the Order further states that this is in order to enable the Applicants to approach the Civil Court for appropriate reliefs.

4. The learned Senior Advocate is right in contending that the benefit under the direction of the Division Bench dated 23 August 2017 cannot be availed of by the Applicants in view of the statutory embargo. We, therefore, grant 15 days' further time to the Applicants.

5. The observations in paragraph 2 of the order dated 23 August 2017 as regards 60 days period will continue upto 11 December 2017. The learned Senior Advocate appearing on behalf of the Applicants undertakes to renew the bank guarantee till 30 January 2018. Statement is accepted. The Application is disposed of in the above terms.