

IN THE HIGH COURT OF BOMBAY AT GOA***WRIT PETITION NO. 175 OF 2019***

Motiff Laboratories Pvt Ltd
Having its office at 112-113,
Bethora Industrial Estate,
Bethora Ponda Goa 403 409

... Petitioner

Versus

Goa Industrial Development Corporation
Having office at Plot No. 13, A-2,
EDC Complex, Patto Plaza,
Panaji-Goa-403001
Through its Managing Director.

... Respondent

Mr. Pavithran A. V., Advocate holding for Mr. Raunak Kantak, Advocate for the Petitioner.

Mr. Nikhil Vaze with Mr. Luis A. Fernandes, Advocate for the Respondent..

**Coram : PRADEEP NANDRAJOG, CJ.,
M. S. SONAK, J.**

Date : 10th October, 2019.

ORAL JUDGMENT: [Per Pradeep Nandrajog, CJ.]:

Reply filed on behalf of Respondent is taken on record.

2. Rule made returnable forthwith.

3. Industrial plot No. 114, Bethora Industrial Estate, is the subject matter of the present Writ Petition. The plot was allotted by the Respondent to M/s. Alcure Pharmaceuticals Pvt. Ltd. Under a Memorandum of Understanding dated 02.02.1996, one Mr. Ramnath G. Kare was to acquire complete interest in Alcure Pharmaceuticals Pvt. Ltd. The Writ Petitioner relies upon a transfer order dated 20.11.2001 as per which it acquired right, title and interest in the plot in question.

4. Ms/ Alcure Pharmaceuticals Pvt. Ltd. has filed a Civil Suit which is currently pending in the Court of the District Judge North Goa at Panaji. Challenge is to the Memorandum of Understanding dated 02.02.1996. It is pleaded therein that the transfer of interest in the plot was on certain assurances given and since the same have been violated the Memorandum of Understanding cannot be enforced.

5. Suffice it to note that no interim relief has been granted in the Suit to M/s. Alcure Pharmaceuticals Pvt Ltd.

6. The Petitioner is unable to obtain electricity connection in its name for the plot in question in the absence of No Objection Certificate issued by the Respondent. The justification given by the Respondent to deny the No Objection Certificate is the dispute between the original allottee and the Writ Petitioner.

7. In our opinion this cannot be a ground to deny the issuance

of certificate to obtain electricity connection in its name for the reason the Suit filed by M/s. Alcure Pharmaceuticals Pvt. Ltd shows that still it overcomes the challenge to the Memorandum of Understanding dated 02.02.1996, the right of the Petitioner to carry on business from the premises cannot be stopped.

8. The Petition is disposed of directing the Respondent to grant/issue necessary No Objection Certificate applied for by the Petitioner so that based thereon it can obtain electricity connection in its name on the plot bearing No. 114, Bethora Industrial Estate, Ponda-Goa.

M. S. SONAK, J.

THE CHIEF JUSTICE

msr.