

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.1157 OF 2018

1. Estilo Moderno Realty Pvt. Ltd.,
having its Registered Address at
Tivim Industrial Estate,
Karaswada, Mapusa Goa.
Represented by its
Authorized Signatory,
Mr. Eknath Dhuri,
s/o Mr. Shankar Dhuri,
resident of Villa No.RV2,
The Colonia, Zoriwada,
Davorlim, Salcete Goa
pursuant to resolution of the
Board of Directors dated 12.11.2018.
2. Dr. Sagar D. Salgaocar,
major of age,
Indian National,
r/o 196/E/4, Sharvani,
Near Government Sports Complex,
Pedem, Mapusa, Bardez Goa. Petitioners

Versus

1. State of Goa,
through the Chief Secretary,
having office at Secretariat,
Porvorim Goa.

2. The Member Secretary,
Goa State Pollution Control Board,
having office at Dempo Towers,
EDC Complex,
Patto Plaza, Panaji Goa.
3. The Secretary,
Village Panchayat of Sancoale,
Mormugao, through its
Secretary having office at
“Office of the Village Panchayat
Sancoale”, PO Cortalim,
Sancoale, Murmugao Goa 403 710. ... Respondents

Mr. Parag S. Rao, Advocate for the Petitioners.

Mr. D. Lawande, Advocate General with Mr. A. Prabhudessai, Addl.
Government Advocate for Respondent No.1.

Mr. D. Lawande, Advocate General with Mr. A. Prabhudessai, Addl.
Government Advocate for Respondent No.2 (GSPCB).

Mr. B. Rodrigues, Advocate for Respondent No.3.

***Coram : R. D. Dhanuka &
Prithviraj K. Chavan, JJ.***

Date : 8th April, 2019

Oral Judgment (Per R. D. Dhanuka, J)

Rule. The learned Advocate General waives service for

Respondent Nos.1 and 2. The learned counsel for Respondent No.3 waives service.

2. By consent of the parties, the matter is heard finally.

3. By this petition, the Petitioners seek a writ of mandamus directing the Respondent No.3 to issue construction licence to the Petitioners pursuant to the application dated 13th April, 2018 and for other reliefs.

4. The learned counsel for the Petitioners invited our attention to the undertaking annexed as Exhibit 'J' to the petition dated 5th December, 2018 to deal and treat the entire wet waste generated in the project known as Estilo Patio in survey No.259/8 of Village Sancoale within the project area.

5. The learned counsel for the Respondent No.3 states that in view of the undertaking rendered by the Petitioners, Respondent No.3 would issue the construction licence pursuant to the application dated 13th April, 2018 within one week from today. The

undertaking rendered by the Petitioners is accepted. The statement made by the learned counsel for the Respondent no.3 is accepted. The construction licence shall be issued within one week from today to the Petitioners on compliance with any other formalities. It is made clear that if the Petitioners commit any breach of such undertaking, the Respondent No.3 would be at liberty to take appropriate action in accordance with law. Rule is made absolute in the aforesaid terms. No order as to costs.

6. Parties to act on the basis of the authenticated copy of this order.

Prithviraj K. Chavan, J.

R. D. Dhanuka, J.

*at**