

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 849 OF 2019**

MARYMATHA INFRASTRUCTURE PVT.
LTD., REP. THR. ITS PRO. DIR.,
JOSEPH MANAVALAN AND 2 ORS. ... Petitioners

Versus

AMIT JAIN AND 4 ORS. ... Respondents

Mr. Kaif Noorani, Advocate for the petitioners.

Mr. Ashwin D. Bhobe, Advocate for the respondent nos.1, 2
& 3.

Mr. Mahesh Amonkar, Standing Counsel for the respondent
no.4.

Mr. S.D. Padiyar, learned Counsel for the respondent no.5.

**Coram:- M. S. SONAK &
NUTAN D. SARDESSAI, JJ.**

Date :- 24th February, 2020

ORAL ORDER:

Heard Mr. Kaif Noorani, learned Counsel for the petitioners, Mr. A. D. Bhobe, learned Counsel for the respondent nos.1,2 and 3, Mr. Mahesh Amonkar, learned Standing Counsel for the respondent no.4 and Mr. S.D. Padiyar, learned Counsel for the respondent no.5.

2. The challenge in this petition is to the Show Cause Notice dated 19/06/2019 issued by the respondent nos.1, 2 and 3 to the petitioners, in relation to the construction of MCMV Office Building for Goa Shipyard Limited at Vasco Da Gama, Goa. It is the case of the petitioners that the respondent no.1 has made a demand of unlawful gratification from the petitioners and because the petitioners resisted in meeting such demand the impugned Show Cause Notice has been issued. The respondent nos.1,2 and 3 have no doubt denied such allegations.

3. We have perused the affidavit filed on behalf of the respondent nos.2 and 3. The affidavit states that the Show Cause Notice has been issued on account of the delay in completion of the project as well as certain deficiencies which were noted.

4. According to us, the Show Cause Notice cannot be quashed on the basis of the allegations made by the petitioners. It is always open to the petitioners to respond to

the Show Cause Notice by raising all contentions as are permissible under the law and thereafter, it is for the respondent nos.2 and 3 to dispose of the Show Cause Notice, again, on its own merits and in accordance with law. Therefore, we do not deem it appropriate to entertain this petition at this stage insofar as the relief of quashing of the Show Cause Notice is concerned.

5. However, we find that the petitioners, have made complaint dated 23/09/2019 making serious allegations against the respondent no.1 about corruption. These allegations have been repeated in the petition as well in some greater details. Such allegations are to be found in paragraphs 4k, l, m and n. The petition is supported by an affidavit of the petitioners.

6. In the aforesaid circumstances, obviously, without going into the merits we feel that it is only proper that the Vigilance Department of the respondent nos.2 and 3 looks into this complaint / allegations and addresses the same in accordance

with law and again, on its own merits. We direct the Vigilance Department of the respondent nos.2 and 3 to dispose of such complaint, which complaint is to be considered along with the allegations in this petition as expeditiously as possible and in any case within a period of three months from today.

7. In addition to the complaint made the petitioner is granted liberty to file a consolidated complaint giving all details as well as the material available with them and this complaint along with the aforesaid, is also to be disposed of by the Vigilance Department of the respondent nos.2 and 3 within the aforesaid period of three months.

8. With the aforesaid directions this petition is disposed of. All the contentions of the parties are specifically kept open.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.