

Meena

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.233 OF 2020

SALITHO ORES PVT. LTD., REP.
BY ITS AUT. DIRECTOR, ...Petitioner
SUBRAMANY

Versus

THE DEPUTY DIRECTOR ...Respondents
GENERAL OF FOREIGN TRADE,
DIRECTORATE GENERAL OF
FOREIGN TRADE AND 3 ORS.

Mr. A.D. Bhobe, Advocate *for the petitioner.*

Mr. Pravin Faldessai, Additional Government Advocate
for the respondent Nos. 1,2 and 4.

**CORAM: MANISH PITALE &
SMT. M.S. JAWALKAR, JJ**

DATED: 17th September, 2021.

P.C.:

1. This Writ Petition has been filed in the background that according to the petitioner, he is entitled to a discharge from export obligations, in the light of the ban on mining in the State of Goa. In fact, the petitioner had sent a representation through Counsel to respondent No.1 seeking certain reliefs. It is an admitted position that the said respondent has not taken any action on the said representation dated 27/10/2017 preferred by the petitioner. The first prayer in the Writ Petition is for a direction to the State – respondent to decide the representation within a

stipulated period of time. The petitioner also prayed for restraining respondent No.2 from encashing the Bank Guarantee in the meanwhile.

2. By Order dated 12/03/2020, while issuing notice this Court granted interim relief sought by the petitioner.

3. In the facts and circumstances of the present case, we deem it appropriate to allow the Writ Petition as the prayer is only for consideration and disposal on merits of the aforesaid representation dated 27/10/2017. Accordingly, the Writ Petition is allowed in terms of the prayer clause 'a', and respondent No.1 is directed to decide the representation dated 27/10/2017 preferred by the petitioner, on merits within a period of four weeks from today. The interim order dated 12/03/2020 granted by this Court restraining respondent No.2 from encashing the Bank Guarantee shall continue to operate for a period of two weeks beyond the date on which the respondent No.1 passes order on the said representation of the petitioner, so that if the order is adverse to the petitioner, it will have opportunity to seek redressal.

4. Writ Petition is disposed of.

5. All concerned to act on the basis of an authenticated copy of this order.

SMT. M.S. JAWALKAR,J.

MANISH PITALE, J.