

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.74 OF 2021

WITH

MISC. CIVIL APPLICATION NO.22/2021

ESMERALDA METALS,
THR. ITS PROP., SWAPNIL
MALIK.

..... Petitioner.

Versus

SECRETARY, MINES AND
GEOLOGY, GOVT. OF GOA
AND 2 ORS.

..... Respondents.

Mr. Ashwin Bhobe, Advocate for the Petitioner.

Mr. D.J. Pangam, Advocate General with Mr. Deep Shirodkar, Addl.
Govt. Advocate for the Respondents.

***Coram : M.S. Sonak &
Smt. Bharati H. Dangre, JJ.***

Date : 10th February, 2021.

P.C. :-

Heard Mr. A.D. Bhobe for the Petitioner. Mr. D.J. Pangam, the learned Advocate General, along with Mr. Deep Shirodkar appears for the Respondents.

2. This is a case where the State has directed the Petitioner to pay an amount of ₹ 1,60,52,916/- for allegedly unauthorizedly

excavating sand and other construction materials from the riverbed, in an eco-sensitive zone. The order was made after hearing the Petitioner.

3. In a connected writ petition, an opportunity was given to the Petitioner to deposit at least a portion of the amount, so that the application for interim reliefs could be considered. The Petitioner, on that occasion said that he was not in a position to deposit any amount whatsoever and had not even applied for any interim relief.

4. For a long time, despite the order for recovery, there were no actual steps taken for recovery even though there was no interim relief in operation. Thereafter, a statement was made before us that such steps would be taken.

5. This Petition is basically to secure interim relief, without making any deposit of the disputed amounts. The conduct of the Petitioner does not entitle the Petitioner to any equitable relief from this Court.

6. Normally, in such matters when an interim relief is applied for, the Petitioner has to deposit the disputed amount, or a substantial portion of the dispute amount. Mr. Bhobe further states that the Petitioner has not even applied for any interim reliefs. All

this speaks about the conduct of the Petitioner.

7. Accordingly, we see no good reason to entertain the present Petition. This Petition is dismissed with costs of ₹. 25,000/-.

8. The Misc. Civil Application does not survive and the same is also dismissed.

Smt. Bharati H. Dangre, J.

M.S. Sonak, J.

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