

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL APPLICATION NO. 255 OF 2017
IN
WRIT PETITION NO. 499 OF 2011

EDC LIMITED, THROUGH ITS MANAGER., ...APPLICANTS

Versus

1. GOA CAPACITORS PVT. LTD., ...RESPONDENTS
AND 4 ORS.,

Mr. D. Pangam and Mr. P. Sawant, Advocates for the Applicants.

Mr. Amey Kakodkar and Ms. Amanda Godinho, Advocates for the Respondent no. 2.

CORAM: MANISH PITALE, J

DATED: 14th September 2021

ORAL ORDER

1. This is an application seeking stay of proceedings pending before the Court of Principal District Judge at Panaji, in Misc. Civil Application no. 142 of 2007.

2. The learned Advocate General has appeared on behalf of the Applicant-Petitioner. It is contended that if stay of the proceedings is not granted, it would be prejudicial to the Applicant-Petitioner.

3. Attention of this Court is invited to paragraphs 13 and 14 of the order impugned in the Writ Petition to contend that while rejecting an application for amendment of the Petition filed under Section 31(1)(aa) of the State Financial Corporation Act,

1951, the aforesaid Court has made observations to the effect that the main Petition itself could be said to be barred by limitation.

4. The learned Advocate General has relied upon the judgment of the Hon'ble Supreme Court in the case of ***Deepak Bhandari vs. Himachal Pradesh State Industrial Development Corporation Limited***¹, particularly on paragraphs 27, 28 and 29 thereof to contend that a strong *prima facie* case is made out in favour of the Applicant-Petitioner and that, therefore, in the interest of justice, the present application deserves to be allowed and the proceedings before the aforesaid Court need to be stayed during the pendency of the Writ Petition.

5. Mr. Amey Kakodkar, the learned Counsel appearing for the Respondent no.2, submits that the present case can be distinguished from the aforesaid judgment on which reliance is placed on behalf of the Petitioner. But, this Court is of the opinion that *prima facie* case is indeed made out on behalf of the -Petitioner and that therefore the present application can be granted.

6. Accordingly, the application is allowed in terms of the prayer made therein. Consequently, the proceedings in MCA No. 144 of 2007, pending before the Principal District Judge, Panaji, are stayed during the pendency of Writ Petition No. 499 of 2011.

¹ (2015) 5 SCC 518

7. The Writ Petition to be listed for final disposal on 18.10.2021.

MANISH PITALE, J.

ANDREZA PEREIRA Digitally signed by ANDREZA PEREIRA
Date: 2021.09.17 11:00:00 +05'30'