

Niti

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.244 OF 2022
IN
MISC. CIVIL APPLICATION NO.108 OF 2022
IN
MISC. CIVIL APPLICATION NO.278 OF 2021
IN
FIRST APPEAL NO.140 OF 2019

Shri Mario Moraes & Ors. ... Applicants

Versus

The Deputy Collector & SDO II & Ors. Respondents

Mrs. A. Agni, Senior Advocate with Ms. Jay Sawaikar,
Advocate for the Applicants.

Mr. Pravin Faldessai, Additional Government Advocate for the
Respondents.

CORAM: M. S. SONAK, J.

DATE : 18th AUGUST 2022

P.C. :

1. Heard Mrs. A. Agni, learned Senior Counsel who appears along with Ms. Jay Sawaikar for the applicants and Mr. Pravin Faldessai, learned Additional Government Advocate for the respondents – State.

2. This is an application seeking some modifications of the directions in order dated 29.07.2022 in Misc. Civil Application No.108/2022 taken out in Misc. Civil Application No.278/2021.

3. The operative portion of the order dated 29.07.2022 in paragraph 14 reads as follows:

“14. The original instruments corresponding to an amount of ₹16,25,39,460/- will be deposited in the Registry of this Court within two weeks from today. Further, the necessary bank instruments in the name of the Registrar of this Court in an amount of ₹2,62,77,820/-, will also be placed with the Registry, within four weeks from today. Necessary intimation should be given by the Respondents to the learned Counsel for the Applicant – State so that they can verify the compliances.”

4. Now, the applicants propose that they will furnish original instruments corresponding to an amount of ₹15,32,13,460/- (Rupees Fifteen Crores, Thirty Two Lakhs, Thirteen Thousand, Four Hundred and Sixty Only) in place of an amount of ₹16,25,39,460/- (Rupees Sixteen Crores, Twenty Five Lakhs, Thirty Nine Thousand, Four Hundred and Sixty Only). Mrs. Agni submits that the balance amount will be paid in terms discussed hereafter.

5. Accordingly, the order is modified and the Registry may accept original instruments corresponding to an amount of ₹15,32,13,460/- (Rupees Fifteen Crores, Thirty Two Lakhs, Thirteen Thousand, Four Hundred and Sixty Only) in place of ₹16,25,39,460/- (Rupees Sixteen Crores, Twenty Five Lakhs, Thirty Nine Thousand, Four Hundred and Sixty Only).

6. The applicants have proposed that they will constitute necessary bank instruments in the name of the Registrar of this Court in an amount of ₹3,56,03,820/- (Rupees Three Crores, Fifty Six Lakhs, Three Thousand, Eight Hundred and Twenty Only), instead of 2,62,77,820/- (Rupees Two Crores, Sixty Two Lakhs, Seventy Seven Thousand, Eight Hundred and Twenty Only). Mrs. Agni submits that these instruments will be constituted in the name of the Registrar of this Court in the form of two Fixed Deposits instruments in amounts of ₹1,83,13,456/- (Rupees One Crore, Eighty Three Lakhs, Thirteen Thousand, Four Hundred and Fifty Six Only) and ₹1,72,90,364/- (Rupees One Crore, Seventy Two Lakhs, Ninety Thousand, Three Hundred and Sixty Four Only). This corresponds to a total amount of ₹3,56,03,820/- (Rupees Three Crores, Fifty Six Lakhs, Three Thousand, Eight Hundred and Twenty Only).

7. Since the overall amount is to remain the same, the modification in the above terms is also allowed.

8. Mrs. Agni then submits that the interest that accrues on some of the original instruments as mentioned in paragraph 3 of the application is directly credited into the bank accounts of the respondent nos.3, 4 & 5. She submits that this position may be continued but respondent nos.3, 4 & 5 will file an undertaking in this Court that they shall not touch or otherwise deal with this accrued interest amount without the leave of this Court. Further, each year, they will file a chart indicating the extent of the interest received.

9. Since, the interest amount is going to be secured in the above manner, even this prayer of the applicants can be accepted and is hereby accepted. However, the respondent nos.3, 4 & 5 are restrained from utilising this amount. Similarly, they will have to file the necessary undertaking in this Court by furnishing an advance copy to the learned Additional Government Advocate. The said respondents will also have to file the chart as now undertaken by them.

10. The time limit for compliance is extended by further two weeks from today.

11. With the above directions and modifications, this civil application is disposed of.

M. S. SONAK, J.

NITI K
HALDANKAR

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