

*Esha*

**IN THE HIGH COURT OF BOMBAY AT GOA**

**WRIT PETITION NO. 193 OF 2023**

Gurudas V. Chatim Haldonkar, aged \_\_\_\_\_  
years, Flat No. S-5, Valmik Business  
Centre, Opp. PWD office, 2<sup>nd</sup> Floor,  
Baina, Vasco da Gama.

... PETITIONER

Versus

1. State of Goa, Thr. Its Chief  
Secretary, Porvorim, Goa.

2. Mormugao Municipal Council,  
Thr. its Chief Officer, Vasco da  
Gama, Goa.

... RESPONDENTS

Ms Sailee Kenny, Advocate for the Petitioner.

Mr Shivdatt P. Munj, Additional Government Advocate for  
Respondent No. 1.

Mr Ravi Anand, Advocate for Respondent No. 2.

**CORAM: M. S. SONAK &  
BHARAT P. DESHPANDE, JJ.**

**DATED: 25<sup>th</sup> SEPTEMBER 2023**

**ORAL JUDGMENT:**

1. Heard Ms Kenny for the Petitioner, Mr Munj, the learned  
Additional Government Advocate for Respondent No. 1 and Mr  
Ravi Anand for Respondent No. 2.

2. Rule. The Rule is made returnable immediately at the  
request and with the consent of the learned Counsel for the  
parties.

3. The challenge in this Petition is to the order dated 11.08.2022, by which the Accounts cum Administrative Officer of the Mormugao Municipal Council has rejected the Petitioner's Application dated 07.05.2021 and subsequent Application dated 20.06.2022 for renewal of trade license in respect of Shop No. 182/3, Pereira Chambers, Vasco da Gama, Goa, through which the Petitioner operates a jewellery store.

4. The impugned communication dated 11.08.2022 reads as follows:

*"MARMUGAO MUNICIPAL COUNCIL  
VASCO-DA-GAMA, GOA.*

*Tel. No:-0832-2512275/2512258*

*Fax No. 0832-2512447*

*Website: www.mmcvasco.com*

*Email: -----*

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*Ref. No. MMC/Tax/74/Gen/T/O/92/22-23/496*

*Date:- 11/08/2022*

*To,  
Mr. Gurudas C. Chatim Haldankar, Flat No. S-5,  
Valmik Business Centre, Opp. PWD,  
2<sup>nd</sup> Floor, Baina,  
Vasco da Gama, Goa.*

*Sub: Request for renewal of trade licence.*

*Sir,*

*With reference to your application dated 20/06/2022 on the subject cited above, I am directed to inform you that your request for renewal of trade licence cannot be considered, as the matter is subjudice.*

*Yours faithfully,*

*(Francisco X. Rodrigues)  
Accounts-cum-Administrative Officer"*

5. In the first place, the Accounts cum Administrative Officer had no power to deny the Application for renewal of the trade license because such powers are only vested in the Chief Officer. That apart, the renewal of the trade license cannot be denied based upon an omnibus statement about the matter being sub-judice. The communication does not state or refer to any Court order, whether final or interim, restraining the Council from issuing the trade license. For these two reasons, the impugned communication dated 11.08.2022 is liable to be quashed and set aside.

6. Ms Kenny states that there was a dispute (Rent Case No. 62/RC/2014/C) pending in the Court of the Civil Judge Junior Division at Vasco da Gama concerning the suit premises. However, there was no order in the said proceedings restraining the Chief Officer from renewing the trade licence. Further, she pointed out that even the dispute in the rent case is now settled before the Lok Adalat, as is evident from the award of the Lok Adalat dated 26.04.2014. This award is placed on record on pages 40 to 42 of the Petition. She pointed out that based upon the Lok Adalat award, even the proceedings in the rent case have been disposed of. Thus, she submitted that the matter is no longer sub-judice. Accordingly, we grant the Petitioner leave to place all this material before the Chief Officer.

7. The Chief Officer is now directed to dispose of the Petitioner's Application for renewal of trade license made on 07.05.2021 and the fresh Application [which the Petitioner states he would make within a week from today] as expeditiously as

possible and in any case within a period of 15 days from the receipt of the fresh Application. The Applications must be disposed of in accordance with law, including *inter alia*, by taking into account the Lok Adalat award and the disposal of the rent case based on thereon.

8. Ms Kenny states that all these documents will be placed along with the fresh Application for consideration by the Chief Officer.

9. The impugned communication is set aside, and the Chief Officer is directed to abide by the directions in paragraph (7) above.

10. The Rule is made absolute in the above terms without any order for costs. All concerned to act on an authenticated copy of this order.

**BHARAT P. DESHPANDE, J.**

**M. S. SONAK, J.**

VAIGANKAR  
ESHA SAINATH

Digitally signed by  
VAIGANKAR ESHA SAINATH  
Date: 2023.09.26 17:28:34  
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