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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.299 OF 2023

NAZARETH DMELLO

... Petitioner

Versus

THE MAMLATDAR OF
TISWADI TALUKA AND ANR.

... Respondents

Mr Arjun Naik, Advocate *for the Petitioner.*

Mr Manish Salkar, Government Advocate *for the Respondent-State.*

Mr Preetam Talaulikar with Mr Vibhav Amonkar, Advocates *for Respondent No.2.*

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

DATED: 26th June 2023

P.C.:

1. Mr Talaulikar states that the amount of ₹10.00 lakhs is already deposited by the Petitioner. He states that a further amount of ₹12.50 lakhs will be deposited within 15 days as recorded in our order dated 19.06.2023.
2. Mr Talaulikar states that the Petitioner will try to deposit the balance amount of ₹12.50 lakhs by 30.06.2023 itself so that the necessary lease deed is executed before the concerned Mamlatdar.
3. Mr Amonkar and Mr Salkar state that no sooner the balance

amount of ₹12.50 lakhs is paid/deposited with Respondent No.2, Respondent No.2 will execute the necessary lease deed before the concerned Mamlatdar. After the amount is paid, it shall be the responsibility of Respondent No.2 and the Mamlatdar to see that the lease deed is executed not later than two days from the date of such deposit. If there is any further delay, Respondent No.2 will be held responsible for such delay. Mr Amonkar and Mr Salkar state that there will be no delay once the Petitioner deposits the amount.

4. Once the lease deed is executed, the Mamlatdar concerned, to de-seal the sluice gates and allow the Petitioner to operate the same based upon the terms and conditions of the lease deed. Again, once the amount is deposited and the lease deed is executed, there should be no delay in de-sealing.

5. Once the entire amount is deposited by the Petitioner, Mr Amonkar agrees that Respondent No.2-Association will not insist upon any further bank guarantee as provided in Clause 12 of the Tender Conditions.

6. Accordingly, after accepting the statements made on behalf of the Petitioner and the Respondents, we dispose of this petition. There shall be no order for costs.

7. All concerned are to act on an authenticated copy of this order.

BHARAT P. DESHPANDE, J.

M.S. SONAK, J.