

Santosh

**IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 203/2023
IN
WRIT PETITION NO. 121/2019**

THOMAS FERNANDES AND ANR ... Applicants.

Versus

THE GOA STATE COASTAL ZONE
MANAGEMENT AUTHORITY,
THR. ITS MEMBER SECRETARY AND ... Respondents.
2 ORS

**Mr Jitendra Supekar with Mr S. Sayed, Advocates for the
Applicants.**

**Mr Shubham Priolkar, Addl. Govt. Advocate for
Respondents no.1 and 2.**

**WITH
MISC. CIVIL APPLICATION NO. 1305/2023(F)
IN
WRIT PETITION NO. 93/2019**

SERGIO DIAS Applicant.

Versus

THE GOA STATE COASTAL
ZONE MANAGEMENT
AUTHORITY, THR. ITS
MEMBER SECRETARY AND 2 ORS Respondents.

**Mr Shivan Desai with Mr A. Sardessai, Advocates for the
Applicant.**

**Mr Shubham Priolkar, Addl. Govt. Advocate for
Respondents no.1 and 2.**

CORAM : M. S. SONAK, J.

DATE : 23rd June 2023

P.C. :

1. Both these Applications seek modification of a common Judgment and Order dated 3rd February 2023, by which the Petitioners were relegated to avail the remedy before the National Green Tribunal under the provisions of the National Green Tribunal Act, 2010.

2. The order dated 3rd February 2023 had clarified that should the Petitioners institute proceedings before the National Green Tribunal within three weeks, the Tribunal would consider that the Petitioners were bona fide pursuing their grievances before this Court and entertain their Appeals on merits.

3. The Petitioners, accordingly, instituted their Appeals before the National Green Tribunal within three weeks. However, on 24/4/2023, the Tribunal made the following order :

“1. After having heard the learned Counsel for the Appellant for some length of time, the learned Counsel prays for some time to be allowed to them to seek clarification from the Hon’ble High Court of Bombay at Goa, as to whether the period of delay i.e. 1490 days needs to be excluded for calculation of the period of limitation because this matter remains pending before the Hon’ble High Court for consideration.

2. As prayed, Registry is directed to put up this matter on 21.07.2023. Interim order shall continue.”

4. In *The Goa Foundation Vs. The National Green Tribunal, Principal Bench and ors.* - PIL Writ Petition No.4/2022, disposed of by a Full Bench of this Court on 21st September 2022, vide paragraph 41, it is noted that until 4th January 2022, following the Supreme Court order dated 31st January 2018, there was no available Bench for the Western Zone. Even, otherwise, the learned Counsel for the Petitioners point out that there was no regular Bench available for the Western Zone for the period from 31/1/2018 to 4/1/2022. The learned Counsel point out that therefore, the Petitioners had to institute writ petitions before this Court in January 2019.

5. Considering the above position, it is clarified that the period of 1447 and 1490 days respectively, needs to be excluded for calculating the period of limitation because, during these periods, the matters remained pending before this Court.

6. Accordingly, the order dated 3rd February 2023 stands modified to this extent.

7. Both the Misc. Civil Applications are disposed of in the above terms.

M. S. SONAK, J.

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