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IN THE HIGH COURT OF BOMBAY AT GOA

**MISC. CIVIL APPLICATION NO.388 OF 2023
IN
P.I.L. WRIT PETITION NO.32 OF 2022**

THE GOA FOUNDATION
THR. ITS SECRETARY
DR. CLAUDE ALVARES

... Applicant

Versus

STATE OF GOA THR SECRETARY
FISHERIES AND 15 ORS.

... Respondents

Ms Norma Alvares with Mr Om D'Costa, Advocates *for the Applicant*.
Mr D. Pangam, Advocate General with Mr Neehal Vernekar,
Additional Government Advocate *for Respondent Nos.1, 2, 5, 6, 7, 8, 9
and 10*.

Mr Raviraj Chodankar, Central Government Standing Counsel *for
Respondent Nos.3 and 4*.

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

DATED: 6th September 2023

P.C.:

1. Heard Ms Alvares who appears along with Mr Om D'Costa for the Applicant. Learned Advocate General appears along with Mr Neehal Vernekar for Respondent Nos.1, 2, 5, 6, 7, 8, 9 and 10.
2. The Applicant seeks the following substantive reliefs by filing this Miscellaneous Application:-

a) For a direction to the Directorate of Fisheries (Resp No. 2) to re-

submit a letter to Goa Shipyard Ltd. for technical advice on the subject of DG sets incorporating therein the queries raised by the applicant in para 7 above namely:

(i) Whether a DG can set be connected to the shaft of the marine engine powering the boat and can thus provide an alternate source of primary motive power should the vessel's engine fail?

(ii) What uses would a 39 KW DG set have on board a fishing vessel besides powering LED lamps? Would such a high range DG set be required for cooking or emergency lighting or pulling in a net?

b) For a reasonable time period to be fixed by this Hon'ble Court for Goa Shipyard Ltd. to submit its report in the matter.

3. The Applicant has placed on record a communication dated 31.07.2023 by which the Director of Fisheries has requested Goa Shipyard Limited to hold an inspection and to give a report on the DG sets used on fishing vessels. This is in the context of the implementation of the ban on fishing with the use of LED lights.

4. The communication dated 31.07.2023 requests the Goa Shipyard Limited to submit a report on the following points:-

1) Basic requirement of Generators (DG-sets) in the Fishing vessels.

2) Capacity of Generator (DG-sets) which can be used by various Fishing vessels based on their size and other necessities.

5. Apart from the fact that it is normally not for this Court to alter the terms of reference, we agree with the learned Advocate General that the above points on which opinion is solicited from Goa Shipyard Limited, are wide enough to include the points now proposed by the Applicant in

prayer clause 9(a) above. Therefore, we are sure that Goa Shipyard Limited will take into account the above points while giving their report/opinion in terms of the communication dated 31.07.2023.

6. Further, we are also sure that Goa Shipyard Limited will give its opinion/report as expeditiously as possible because as of now, there is a ban on fishing by using LED lights. However, there is a serious issue with the implementation of this ban. The trawler/boat owners always claim that they require DG sets for operating the boat/trawler. The Petitioner/Applicant alleges that it is these DG sets that are used for LED fishing.

7. This matter is pending before the Court. Therefore, even the Court would be greatly assisted with the report/opinion of Goa Shipyard Limited. The learned Advocate General points out that even a reminder has already been sent to Goa Shipyard Limited. Given this position, we are sure that Goa Shipyard Limited will submit its opinion/report as expeditiously as possible.

8. Awaiting the report from Goa Shipyard Limited, we are deferring the final hearing of PILWP No.32/2022 by four weeks.

9. An authenticated copy of this order must be supplied to Goa Shipyard Limited. Learned Advocate General states that such a copy will be given to Goa Shipyard Limited.

10. This Miscellaneous Civil Application is disposed of in the above terms.

BHARAT P. DESHPANDE, J.

M.S. SONAK, J.