

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 429/2023
IN
PIL WRIT PETITION NO. 17/2018

MRF LTD. THR. ITS GENERAL
MANAGER.

..... Applicant.

Versus

DHATWADA USGAO CITIZENS
FORUM, REP. BY ITS SECRETARY,
VASUDEV GAUDE AND ANR

..... Respondents.

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. B. Fernandes,
and Mr. V. Braganza, Advocates for the Applicant – Org.
Respondent No.9.

Ms. N. Alvares and Mr Om D’Costa, Advocates for the Original
Petitioners.

Mr. A. D. Bhobe, with Ms Annelise Fernandes, Advocates for
original Respondent No.1.

Mr. D. Pangam, Advocate General with Mr. D. Shirodkar, Addl.
Government Advocate for original Respondent Nos.3, 4,5, 6 and
7.

Mr. D. Pangam, Advocate General with Ms Maria Correia, Addl.
Government Advocate for Respondent No.10.

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

DATED : 27TH SEPTEMBER 2023

P.C. :

1. In terms of our order dated 13th September 2023, we had posted the main Petition and the application for modification for hearing, today. This was because the Hon’ble Supreme Court, in its order dated 4th August 2023, which was pointed out to us on 13th September 2023, had directed us to dispose of the

application for modification within one month. Accordingly, we were quite anxious to not only dispose of the said application, but also the main Petition itself, finally. This is because, after hearing the arguments for some time, we thought that the time required to argue the application for modification and for disposing of the main Petition itself, would be the same. Accordingly, we had placed both the matters today for final hearing, high on board, subject to only other overnight part-heard matters.

2. However, Mr J.E. Coelho Pereira, learned Senior Advocate for Respondent No.9 in the main Petition and the Applicant in the application seeking modification, submits that the said Respondent has now filed the present application, seeking time to file a counter-affidavit, to produce documents and complete the pleadings. He submits that this time may be granted at his request and no grievance will be made about the non-disposal of the application for modification, within the time indicated by the Hon'ble Supreme Court.

3. Considering the Hon'ble Supreme Court's order, we were interested in disposing of not only the application for modification, but also the main Petition, finally, within the time indicated. However, at the request of Mr Pereira, who says that some time would be required to complete the pleadings if the matter has to be heard finally, we, with utmost reluctance, grant such time.

4. We suggested to Mr Pereira whether Respondent No.9 would apply for a modification before the Hon'ble Supreme Court regards the order dated 4th August 2023. However, Mr

Pereira states that no grievance will be made about non-disposal of the application for modification and the pleadings will be completed within the extended time, so that the matter can be finally disposed of, along with the application seeking modification, if necessary.

5. Accordingly, Respondent No.9 is granted six weeks, as prayed for, for filing the additional pleadings and documents. Mr Pereira states that advance copies will be furnished to the learned Counsel for the Petitioners. The Petitioners are also granted three weeks' time to file additional pleadings in response to the pleadings that may be filed by Respondent No.9 or other Respondents in the main Petition.

6. Accordingly, we post PIL WP No.17/2018, along with the Misc. Civil Application therein, on 5th December 2023, high on board, subject to overnight part-heard matters, if any, for final hearing. Our order dated 13th September 2023 must now be read along with the present order. The Order dated 13th September 2023 stands modified, accordingly.

7. Misc. Civil Application No.429/2023 is disposed of.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.

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