

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

CONTEMPT PETITION NO. 19 OF 2022

IN

WRIT PETITION NO. 356 OF 2021

SHRIRAM R. DESHPRABHU THR.

POA, SUJATA S. DESHPRABHU

Versus

...PETITIONER

STATE OF GOA THR. CHIEF

SECRETARY, PUNEET KUMAR

GOEL AND 25 ORS.

...RESPONDENTS

Mr Sahil Deshprabhu, Advocate for the Petitioner.

Mr Devidas J. Pangam, Advocate General with Mr Manish Salkar, Government Advocate for the Respondent-State.

Mr Ashwin D. Bhobe with Ms Annelise Fernandes, Advocates for Respondent No. 4.

Mr. Abhijit Gosavi, Advocate for Respondent Nos. 5 to 12, 14, 15 and 21.

CONTEMPT PETITION NO. 20 OF 2022

IN

WRIT PETITION NO. 313 OF 2021

VAISHALI DEELIP SHENVI DESAI

Versus

...PETITIONER

STATE OF GOA THR. CHIEF

SECRETARY PUNEET KUMAR

GOEL AND 19 ORS.

...RESPONDENTS

Mr Sahil Deshprabhu, Advocate for the Petitioner.

Mr Devidas J. Pangam, Advocate General with Ms Maria Correia, Additional Government Advocate for the Respondent-State.

Mr. Arjun F. Naik, Advocate for Respondent Nos. 5(a)(i) to (iv), 5(b) to 5(g), 5(h) (i)& (ii), 6(a), 14, & 15, 19(a) to (i), 20(a), 13(i), (ii), (iii), 20(c), (d), (e), 8, 9, 10(a), 10(b)(i) & (ii), 10(c)-(e), 12, 16(a)-(c), 17(a) & (b), 18(a), (b)(i), 13(iii), 13(iv), and 13.

**CORAM: M. S. SONAK &
VALMIKI SA MENEZES, JJ.**

DATED: 6th MARCH 2023

ORAL ORDER:

1. The learned Advocate General tendered an affidavit filed by Mrs Durga Kinlekar, the Under Secretary (Revenue-I) on behalf of the State of Goa. Paragraphs 1 to 5 of the affidavit read as follows:

1. *I say that I am presently holding the post of the Under Secretary (Revenue-I), Government of Goa. I say that I am authorized to file the present Affidavit on behalf of the Secretary (Revenue). I state that I am filing the present affidavit based on the records available with my office and I am able to depose thereto.*
2. *I state that I am filing the present Affidavit for the limited purpose of placing before this Hon'ble Court certain policy decisions taken by the State of Goa which have a material bearing on the present case.*
3. *I say that the State of Goa has on 04/03/2023 taken a policy decision to deposit the entire sum wrongly disbursed in Writ Petition No. 356/2021 and 50% of the sum wrongly disbursed in Writ*

Petition Nos. 313/2021 and 1044/2018 before the Ld. District Court, wherein the reference proceedings qua the subject land acquisition is pending.

4. *I say that the amount mentioned in paragraph No. 3 hereinabove totals to Rs.14,83,00,602/- (Rupees Fourteen Crores Eighty Three Lakhs Six Hundred Two Only). I say that the said sum of Rs.14,83,00,602/- (Rupees Fourteen Crores Eighty Three Lakhs Six Hundred Two Only) shall be deposited before the Reference Court within a period of 2 months i.e. upto 31/05/2023.*
5. *I say that what is stated by me in paragraphs 1 to 4 of the Affidavit in Reply are true to my knowledge and based on the records maintained by my office.*

2. The statements made in the above affidavit are accepted as an undertaking on behalf of the State of Goa. The State will have to comply with such an undertaking.

3. The learned Advocate General, further states that the amount deposited with the EDC Limited will also be transferred to the Reference Court on or before 31.05.2023. He states that the process has already started and in all probabilities would be completed much before 31.05.2023. The concerned authority must act consistent with the statement of the learned Advocate General so that the entire referred amount is available with the

Reference Court on or before 31.05.2023. The learned Advocate General states that the process of recovery of the amounts paid to the respondents in this Petition has already commenced and the same will continue.

4. However, considering the affidavit now filed and the undertaking therein, we see no reason to proceed any further with this Contempt Petition. Accordingly, this Contempt Petition is disposed of by accepting the above undertaking and directing the concerned authority to act accordingly.

VALMIKI SA MENEZES, J.

M. S. SONAK, J.
