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IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO.524 OF 2023

IN

PIL WRIT PETITION NO.17 OF 2018

THE GOA FOUNDATION
THROUGH IS SECRETARY DR.
CLAUDE ALVARES

...APPLICANT

Versus

VILLAGE PANCHAYAT OF
USGAO-GANJEM, THR. ITS
SECRETARY AND 9 ORS.

...RESPONDENTS

Ms Norma Alvares, Advocate for the Applicant.

Mr A.D. Bhobe, Advocate for Respondent No.1.

Mr D. Pangam, Advocate General with Mr Deep Shirodkar,
Additional Government Advocate for Respondent Nos.2 to 7.

Mr Pavithran A.V. with Mr P. Kholkar, Advocates for Respondent
No.8.

Mr J.E. Coelho Pereira, Senior Advocate with Mr E. Fernandes,
Advocate for Respondent No.9.

Mr D. Pangam, Advocate General with Ms M. Correia, Additional
Government Advocate for Respondent No.10.

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

DATE : 31st OCTOBER 2023

P.C.:

1. Heard Ms N. Alvares for the applicant. Mr A.D. Bhobe appears for respondent no.1, learned Advocate General appears along with Mr Deep Shirodkar, learned Additional Government Advocate for respondent nos.2 to 7, Mr Pavithran A.V. appears for respondent no.8,

Mr J.E. Coelho Pereira appears along with Mr E. Fernandes for respondent no.9. Learned Advocate General appears along with Ms M. Correia, learned Additional Government Advocate for respondent no.10.

2. The learned Advocate General points out that the relief now sought to be claimed by amendment is also the relief sought for in Writ Petition No.682/2016, which is already admitted.

3. Mr Pereira, learned Senior Advocate for the ninth respondent submits that factually there are no averments to challenge the provisions of the Goa Investment Promotion Act, 2014. He submits that no factual foundation has been laid in the petition. He further submits that permissions that have been granted to the ninth respondent are after due application of mind. On these grounds, he submits that no leave may be granted to amend this petition.

4. We have considered the above submissions. The objections raised by Mr Pereira go to the merits of the challenge. Ms Alvares points out that factual averments were already made in the petition but since there was no formal challenge to the provisions of the Goa Investment Promotion Act, 2014 this amendment is sought for.

5. Accordingly, we grant leave to amend. The amendment to be carried out within the next three days. Copies of the amended petition to be supplied to the learned Counsel for the respondents.

6. By our order dated 27.09.2023, we had granted the respondents time to file their responses within six weeks. Such responses are yet to be filed by the ninth respondent. Accordingly, if the amended copy of this petition is supplied to the ninth respondent at the earliest, a consolidated reply could be filed by the ninth respondent, if he so chooses. The matter is already posted on 05.12.2023, high on Board, subject to overnight part-heard matters. That is possibly the reason why this amendment application was moved at the earliest so that the schedule in terms of our order dated 27.09.2023 is not disturbed.

7. Misc. Civil Application No.524/2023 is accordingly disposed of. However, it is clarified that all defences of all the respondents on merits are left open because this was the stage at which we could have gone into the same.

BHARAT P. DESHPANDE, J.

M. S. SONAK, J.

NITI K

HALDANKAR

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HALDANKAR
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