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IN THE HIGH COURT OF BOMBAY AT GOA

**WRIT PETITION NO.869 OF 2023
WITH
CIVIL APPLICATION NO.136 OF 2023**

WRIT PETITION NO.869 OF 2023

SESA RESOURCES LTD., THR AUTH.

REP. PRAVEEN GEORGE AND ANR

... PETITIONERS

Versus

THE OFFICE OF THE MAMLATDAR OF THE

SATARI AND 2 ORS

... RESPONDENTS

**WITH
CIVIL APPLICATION NO.136 OF 2023**

SESA RESOURCES LTD., THR AUTH.

REP. PRAVEEN GEORGE AND ANR

... APPLICANTS

Versus

THE OFFICE OF THE MAMLATDAR OF THE

SATARI AND 2 ORS

... RESPONDENTS

Mr S.S. Kantak, Senior Advocate with Mr Abhijit Gosavi, Ms Neha Kholkar and Ms Krupa Naik, Advocates for the Petitioners.

Mr D. Pangam, Advocate General with Mr S. Priolkar, Additional Government Advocate for Respondent Nos.1 and 2.

Mr Pravin Faldessai, Deputy Solicitor General of India for Respondent No.3.

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

DATED :- 5th December, 2023

P.C.:

Heard Mr S.S. Kantak, learned Senior Advocate who appears along with Mr A. Gosavi for the petitioners. Learned Advocate General appears along with Mr S. Priolkar, learned Additional Government Advocate for respondent nos.1 and 2. Mr Pravin Faldessai, learned

Deputy Solicitor General of India appears for respondent no.3.

2. The challenge in this petition is to the Mamlatdar's demand notice dated 04.09.2023 based upon the Director's order dated 05.04.2021.

3. As against the Director's order dated 05.04.2021, the petitioners have already instituted a revision before the Central Government. This petition was filed because the respondent no.3 was not available to take up and consider the petitioners' application for interim relief.

4. Mr Kantak states that now the Secretary is available and the matter is posted on 08.12.2023. Further, Mr Kantak states that the petitioners have already paid an amount of Rs.15.52 crores as against the demanded amount of approximately Rs.24.00 crores to the first and second respondent.

5. Since the petitioners' revision is pending before the Secretary and the application for interim relief is now fixed for consideration on 08.12.2023, there is no point in pending this petition. The Mamlatdar's order dated 04.09.2023 is only consequential to the Director's order dated 05.04.2021. Therefore, if the Director's order dated 05.04.2021 is set aside or stayed, the Mamlatdar's order will not independently survive.

6. For the above reasons, we dispose of this petition leaving it open to

the petitioners to pursue the revision and the application for interim relief before the respondent no.3. The respondent no.3 is requested to decide on the application for interim relief as expeditiously as possible on its own merits and in accord with law. All contentions of all parties are left open since we have not gone into the rival contentions.

7. The petition and the Civil Application are disposed of with liberty as above. There would be no order for costs.

8. All concerned to act on an authenticated copy of this order.

VALMIKI SA MENEZES, J.

M. S. SONAK, J.

NITI K

HALDANKAR

Digitally signed by
NITI K HALDANKAR
Date: 2023.12.05
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