

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.249 OF 2024

ASHA GOLTEKAR

... PETITIONER

Versus

PARDOSH V GOLTEKAR AND 4 ORS

... RESPONDENTS

Mr. Gaurish N. Agni with Mr. Kishan Kavlekar, Advocates for the Petitioner.

Mr. V. Parsekar, Advocate for Respondent Nos. 1 to 4.

Ms. Sulekha S. Kamat, Additional Government Advocate for Respondent No. 5.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 17th April, 2024

P.C.:

1. Heard Mr. G. Agni for the petitioner, Ms. Kamat appearing for respondent No.5 and Mr. Parsekar for respondent Nos.1 to 4.

2. On the last date, it was pointed out by Mr. Agni that the petitioner obtained a fresh and recent No Objection Certificate from the owner of the property i.e. Comunidade of Siolim. He submits that in view of this subsequent development and as directed by respondent No.5, the matter could be remanded to the concerned authority to decide the applications filed by the petitioner for a grant of license for extracting cashew juice.

3. The Commissioner of Excise /respondent No.5 in its order dated 25/11/2021 directed the petitioner as well as respondent Nos.1 to 4 to produce the latest NOC from the owner of the property in question so as to decide the application for grant of license.

4. Ms. Kamat appearing for respondent No.5 submits that if fresh NOC is obtained and produced before the concerned authorities, a decision will be taken on the application filed by the petitioner as well as respondent Nos.1 to 4 afresh, within a period of 15 days from today.

5. The petitioner is permitted to place the NOC before respondent No.5 along with a fresh application for this year's license. Mr. Agni submits that the petitioner has already applied for auction for this year. Such application filed by the petitioner could be considered by respondent No.5 along with NOC issued by the Comunidade.

6. It is now submitted by Mr. Parsekar that respondent Nos.1 to 4 would apply for NOC from the Comunidade for this year. It shows that till date respondent No.1 to 4 have failed to apply for grant of NOC from the Comunidade.

7. It further shows that respondent Nos.1 to 4 are now trying to apply for a license as well as for a grant of NOC. It would delay the entire process of granting of license since the cashew season of this year is about to conclude. Accordingly, respondent No.5 is directed to

process the application filed by the petitioner which is pending along with NOC issued by the Comunidade dated 01/04/2024, within a period of 15 days from today.

8. With these observations, the present petition stands disposed of.

9. The parties to act on an authenticated copy of this order.

BHARAT P. DESHPANDE, J.

MEENA
VISHAL
BHOIR



Digitally signed by
MEENA VISHAL
BHOIR
Date: 2024.04.17
16:54:48 +05'30'