



Meena

IN THE HIGH COURT OF BOMBAY AT GOA

**APPEAL FROM ORDER NO.1 OF 2020
WITH
CIVIL APPLICATION NO.2 OF 2020**

APPEAL FROM ORDER NO.1 OF 2020

VEDANTA LTD., (EARLIER KNOWN AS
SESA GOA LTD./SESA STERLITE LTD),
THR. ITS AUT. SIGN., JOSEPH COELH ... APPELLANT
Versus

VIJAY SUBRAI FATREKAR AND 15 ORS., ... RESPONDENTS

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Mr. S.S. Kantak, Senior Advocate with Mr. A. Gosavi, Mr. S. Kher,
Ms. Krupa Naik and Ms. Saicha Desai, Advocates for the Appellants.

Mr. A.D. Bhobe with Ms. S. Shaikh, Advocates for the Respondents.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 4th July, 2024

P.C.:

1. Heard Mr. Kantak, learned Senior Counsel for the Appellants and Mr. A.D. Bhobe, learned Counsel for the Respondents.
2. The challenge in the present appeal is to the order passed by the

learned trial Court dated 10/01/2019 whereby the application filed by the Respondents/Plaintiffs for grant of temporary injunction was allowed and the Appellants have been restrained by way of interim injunction from doing any construction or in any manner interfering in the suit.

3. Mr. Kantak would submit that first of all the Appellants are the mine operators and having a concession grant from the Government. An Agreement was executed between the owners of the said land with regard to the surface right as well as allowing the Plaintiffs to enter into the property and carry out mining operations. He submits that the present Plaintiffs though are the daughters of the original owner are not parties to such Agreement dated 13/06/1977. He submits that from that date the Appellants were in possession and enjoyment as well as carrying out mining operations.

4. Mr. Kantak would fairly submit that from the year 2018 and as per directions of the Apex Court, mining operations in Goa were stopped and even the question with regard to the Lease Agreement is considered and found to be illegal. He also fairly submits that even the process with regard to the return of such land is initiated and accordingly the notices have been issued including the Appellants. However, he submits that the Agreement exists and in that matter, the Appellants become the lessee and therefore the Appellants cannot be

thrown out in such manner and that too on a temporary injunction.

5. Mr. Kantak thereafter fairly submitted that since the temporary injunction was granted in the year 2019 and the same is pending for the last 5 years, the appeal could be disposed of by giving directions to the learned trial Court to decide the suit as expeditiously as possible as even otherwise the said suit of the year 2014, is within the bracket of 10 years old matter.

6. Mr. Bhobe appearing for the Respondents claimed that the Agreement dated 13/06/1977 is not a registered Agreement and that the Plaintiffs who are the legal heirs of the original owners were not parties to such Agreement. He submits that the Plaintiffs were kept out of such Agreement however their right to possess the suit property cannot be denied. He submits that the possession of the Appellants even if it is considered, was only till the mining operations were in progress and not thereafter.

7. The fact remains that the injunction application was decided in the year 2019 itself and though the present appeal is filed challenging the said injunction, the suit which is now 10 years old, is pending for evidence.

8. The proper recourse could be adopted by directing the learned trial Court to decide the suit as expeditiously as possible and preferably

within a period of six months since the evidence has already started.

9. Both the learned Counsel appearing for the parties undertake to cooperate with the trial Court for the purpose of disposal of the said suit finally on its own merit.

10. Accordingly, without disturbing such findings recorded by the trial Court and without prejudice to the rights of the parties, the appeal could be disposed of by directing the learned trial Court to decide the suit on or before 31/01/2025. The parties shall cooperate with the learned trial Court in adhering to the above directions and for the purpose of disposal of the suit.

11. With the above observations, the appeal stands disposed of. Civil Application also stands disposed of accordingly.

BHARAT P. DESHPANDE, J.