



Shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA

**WRIT PETITION NO.457 OF 2024
AND
WRIT PETITION NO.458 OF 2024
AND
RIT PETITION NO.459 OF 2024
AND
WRIT PETITION NO.460 OF 2024
AND
RIT PETITION NO.461 OF 2024**

WRIT PETITION NO.457 OF 2024

FOMENTO RESOURCES PVT
LTD. REP. BY ITS AUTH.
SIGNATORY SANDEEP MORAJKAR ... PETITIONER
Versus
STATE OF GOA THR. THE CHIEF
SECRETARY AND ANR. ... RESPONDENTS

AND

WRIT PETITION NO.458 OF 2024

MESSRS R. S. SHETYE AND
BROTHERS THR. ITS PARTNER
VIJAY G. SHETYE ... PETITIONER
Versus
STATE OF GOA THR. THE CHIEF
SECRETARY AND ANR. ... RESPONDENTS

AND

WRIT PETITION NO.459 OF 2024

GEETABALA MANOHAR NAIK
REP. BY ITS POA UMESH DAMODAR
BHAKTA ... PETITIONER
Versus
STATE OF GOA THR. THE CHIEF
SECRETARY AND ANR. ... RESPONDENTS

AND

WRIT PETITION NO.460 OF 2024

SOCIEDADE DE FOMENTO

INDUSTRIAL PVT.
LTD. REP. BY ITS AUTH.
SIGNATORY SANDEEP MORAJKAR ... PETITIONER
Versus
STATE OF GOA THR. THE CHIEF
SECRETARY AND ANR. ... RESPONDENTS

AND
WRIT PETITION NO.460 OF 2024

SOCIEDADE TIMBLE IRMAOS
LIMITED REP. BY ITS AUTH.
SIGNATORY SANDEEP MORAJKAR ... PETITIONER
Versus
STATE OF GOA THR. THE CHIEF
SECRETARY AND ANR. ... RESPONDENTS

Mr. Parag Rao with Mr. Ajay Menon, Advocates for the Petitioner.

Mr. Ajay Borkar, Additional Government Advocate for the Respondents in WP.457/2024.

Mr. Vishwadh Sardessai, Additional Government Advocate for the Respondents in WP.458/2024.

Mr. Deep Shirodkar, Additional Government Advocate for the Respondents in WP.459/2024.

Mr. Amogh Arlekar, Additional Government Advocate for the Respondents in WP.460/2024.

Ms. Maria Correia, Additional Government Advocate for the Respondents in WP.461/2024.

CORAM:- BHARAT P. DESHPANDE, J.
DATED :- 19th June, 2024

P.C.

1. Heard Mr. Rao along with Mr. Menon, learned Advocates for the Petitioners. The learned Additional Government Advocates Mr. Ajay Borkar, Mr. Vishwadh Sardessai, Mr. Deep Shirodkar, Mr. Amogh Arlekar and Ms. Maria Correia, appears and waives service on behalf of the Respondents in WP.457/2024, WP.458/2024,

WP.459/2024, WP.460/2024, WP.461/2024, respectively.

2. The question involved in all these petitions is whether the dispute in the respective Civil Suits is a commercial dispute or not.

The second aspect is whether the Trial Court could have exercised its power under Section 15 of the Commercial Courts Act, 2015.

3. Since only a law point is involved, the parties are put to the notice that matter will be taken up for final disposal at the admission stage itself.

4. Mr. Rao submits that in all suits the amendment applications are pending and the matters are now kept before the Commercial Court tomorrow i.e. on 20.06.2024 at 10.00 a.m.

5. Learned Commercial Court is requested to defer the hearing fixed on 20.06.2024, beyond the returnable date.

6. Stand over to 03.07.2024

BHARAT P. DESHPANDE, J.