



Jose

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.1146 OF 2018

EDC Limited,
having its Office in EDC House,
1st floor, Dr. Atmaram Borkar Road,
P. B. No. 275,
Panaji - Goa.

Represented herein by its

Manager,

Shri Sagar Gaude,

major of age,

Having its Office in EDC House,
1st floor, Dr. Atmaram Borkar Road,
P. B. No. 275,
Panaji - Goa.

... Petitioner.

Versus

1. M/s. Eleconic Condensers Pvt. Ltd.,
14, Corlim Industrial Estate,
Corlim. Ilhas Goa. 403 110.

2. Shri Ravindra Laxman Pai,
Major of age,
r/o 'Suvira' Bungalow,
Sahyadrinagar,
Near New Railway Station,
Sangli-416 416.

3. Shri Dilip Manguesh Telang,
Major of age,
r/o Bhanushali Bldg.,
Khadpabandh, Ponda Goa 403 401.

4. Shri Vassudeo N. Kabadī,
E-44, Masjid Moth,
Greater Kailash,
New Delhi-110 048.

5. Shri Girish Manguesh Telang,
Major of age,
'Suvira' Bungalow, Sahyadrinagar,
Near New Railway Station,
Sangli-416 416.

6. Shri Mohammed Rafiq a Mulla,
Major of age,
12, "Gayatri" Bldg., Chavan Colony,
Opp. Sangli Sakhar Karkhana,
Sangli-416 416.

7. Mrs. Mira Shrikrishna Pai,
Major of age,
r/o "Shriya" Building,
Behind Deep Kamal Housing Society,
Dhavalī, Ponda Goa

8. Miss Shriya Shrikrishna Pai,
Major of age,
r/o "Shriya" Building,
Behind Deep Kamal Housing Society,
Dhavalī, Ponda Goa.

9. Mr. Vikas Shahaji Jagdale,
Major of age,
r/o "Sharvari" Bungalow,
near Railway Station,
Sahyadrinagar, Sangli 416 416.

... Respondents.

Mr. V. A. Lawande with Ms. Smita Gawas, Advocates for the
Petitioner.

Mr. Gaurish Agni with Mr. Kishan Kavlekar, Advocates for
Respondent Nos.4 and 9.

CORAM: VALMIKI MENEZES, J.

DATED: 10th October, 2025

ORAL JUDGMENT:

1. Rule. Rule returnable forthwith. With the consent of the parties, petition is disposed of finally.
2. This petition takes exception to an order dated 13.07.2018 passed by the Principal District Judge on Exhibit 98 in Civil Miscellaneous Application No. 118/2008, filed under Section 31 of the State Financial Corporation Act, 1951 seeking recovery of monies due to the EDC.
3. Though the petition is opposed by the Respondents, it has to be allowed for the following reasons:
 - a) By an order dated 08.02.2016, the District Court allowed the application for amendment of the application under Section 31. The application when read, states at paragraph 2 thereof, that the amendment was necessitated based upon four documents which are letters listed out in paragraph 2 itself.
 - b) The application itself prays, not only for allowing the amendment of the application under Section 31, but also

prays for leave to the Applicant to produce on record the documents listed in paragraph 2 of the application.

- c) After this application was allowed, the Petitioner moved a second application which is at Exhibit 98 of the District Court's file wherein it sought leave to produce the four documents listed in paragraph 2 of its amendment application. It is this application that has been dismissed.

4. On a reading of the impugned order, it is clear that it suffers from total non-application of mind, since the District Court seems to be oblivious of the fact that it had, by its own order dated 08.02.2016, allowed the amendment application purely on the basis of the fact that the documents at paragraph 2 of that application which were letters listed therein, formed the basis for the amendment. In fact, it stood to reason that the District Court ought not only to have allowed the amendment, but simultaneously granted leave to take the documents on record as part of the application under Section 31.

5. The impugned order, therefore, suffers from an error apparent on the face of the record, which is due to complete non-application of mind and is, therefore, quashed and set aside. The application at Exhibit 98 is allowed. Petitioners are granted leave to produce and rely upon the four documents listed in Exhibit 98 and append the same to the original application under Section 31 filed before the District Court.

6. Rule is made absolute in the above terms.
7. The District Court shall now proceed to decide the application under Section 31 of the State Financial Corporation Act on its own merits.

VALMIKI MENEZES, J.