

*Esha***IN THE HIGH COURT OF BOMBAY AT GOA****WRIT PETITION NO. 788 OF 2024**

ARK Home Care, Partnership Firm,
Through its Proprietor, Mr. Wasim
Ahmed Kazi, having its address at H. No.
116, Navelim, Salcete, Goa – 403 601. ... PETITIONER

Versus

1. State of Goa, Through the Chief
Secretary, office at Secretariat,
Porvorim – Goa.
2. Goa Industrial Development
Corporation, Through its Managing
Director, Plot No. 13A-2, EDC
Complex, Patto, Panaji, Goa. ... RESPONDENTS

Mr. Shivan Desai with Mr. Jonathan George, Advocates for the
Petitioner.

Mr. Ajay Borkar, Additional Government Advocate for Respondent
No. 1.

Mr. Nikhil Vaze with Mr. Pranav Vaze, Advocates for Respondent
No. 2.

**CORAM: ALOK ARADHE, CJ. &
M. S. SONAK, J.**

DATED: 13th MARCH 2025

ORAL JUDGMENT: [per Chief Justice]

1. In this Writ Petition, we issue Rule. The Rule is made returnable forthwith. With the consent of the learned Counsel for the parties, heard finally.

2. In this Petition, the Petitioner, *inter alia*, is seeking a direction to the Goa Industrial Development Corporation (GIDC)

to consider the letter dated 30.10.2018 submitted by the Petitioner and to execute the lease deed in favour of the Petitioner in respect of Plot No. P-C admeasuring 1,130 square metres at Margao Industrial Estate.

3. Facts giving rise to the filing of this Petition, in a nutshell, are that on 23.11.2016, an advertisement was issued for the allotment of plots at Margao Industrial Estate. The Petitioner thereupon submitted an Application on 02.12.2016, seeking allotment of a plot at Margao Industrial Estate. The aforesaid Application of the Petitioner was processed by the screening committee and the screening committee on 18.12.2016 recommended allotment of the plot in favour of the Petitioner. Thereafter, an order of allotment dated 13.04.2017 was issued in favour of the Petitioner. However, the lease deed was not executed in favour of the Petitioner. Thereupon, the Petitioner submitted a letter dated 30.10.2018 to the Corporation seeking execution of the lease deed. The aforesaid letter has not been responded to by the Corporation. In the aforesaid background, this Petition has been filed.

4. Learned Counsel for the Petitioner fairly submitted that M/s Elecon Construction Private Limited filed Writ Petition No. 463 of 2017, in which, allotment made in favour of the Petitioner in respect of the plot, has been assailed. It is further pointed out that

in the aforesaid Writ Petition, the Division Bench of this Court has declined to grant interim relief. However, the said Writ Petition is listed for final hearing.

5. It is submitted by the learned Counsel for the Petitioner that this Petition be disposed of with a direction to the Corporation to take a decision with regard to the execution of the lease in favour of the Petitioner after affording an opportunity to the Petitioner as well as Elecon Construction Private Limited in a time bound manner.

6. Quite fairly, the aforesaid submission has not been opposed on behalf of Respondent No. 2 and the learned Counsel for Respondent No. 2 states that a suitable decision would be taken on the letter dated 30.10.2018 filed by the Petitioner after affording an opportunity of hearing to the Petitioner and Elecon Construction Private Limited.

7. In view of the aforesaid submissions and the facts and circumstances of the case, no purpose would be served in keeping the present Petition pending. Therefore, we dispose of the Petition with a direction to the Corporation to afford an opportunity of hearing to the Petitioner and Elecon Construction Private Limited and to take a suitable decision on the letter dated 30.10.2018, within a period of two months from today by a

speaking order. It is made clear that this Court has not expressed any opinion on the merits of the matter.

8. Accordingly, the Petition is disposed of.

M. S. SONAK, J.

CHIEF JUSTICE