



IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL APPLICATION (REVIEW) NO. 3 OF 2024
IN
WRIT PETITION NO.455 OF 2009

Vedanta Ltd., through its Authorized Signatory
Benicio Menezes ... Applicant
Vs.
State of Goa, through Chief Secretary ... Respondent

Mr. Venkatesh R. Dhond, Senior Advocate with Mr. Abhijit Pramod Gosavi and
Mr. G. Kerkar for the applicant/petitioner.
Mr. Ram S. Apte, Senior Advocate a/w. Mr. Nikhil Vaze and Mr. Suhas Parab,
Addl. Government Advocate for the respondent.

CORAM: G. S. KULKARNI &
NIVEDITA P. MEHTA, JJ.
(through V.C.)

DATED: 22 JULY, 2025

P.C.

1. This Application is filed by the applicant/original petitioner seeking review of the order dated 20 October, 2022 passed by the Division Bench of this Court, comprising of one of us (G.S. Kulkarni, J.) and Bharat P. Deshpande, J. (as His Lordship then was). The said order reads thus:

“1. Learned Counsel for the Petitioners submit that these petitions are covered by the decision of the Coordinate Bench of this Court in **M/s Sociedade do Fomento Industrial Ltd & Ors. vs. State of Goa & Ors.**

2. Writ Petitions are accordingly disposed of in terms of the said judgment of the Coordinate Bench of this Court.

3. Rule is accordingly discharged. No costs.”

2. The applicant assailed the aforesaid order before the Supreme Court in the proceedings of Special Leave to Appeal (C) No. 3422 of 2023, which came to be

disposed of by the Supreme Court by an order dated 17 March 2023. The order passed by the Supreme Court is required to be noted, which reads thus:

“ Heard learned counsel for the petitioner.

This Court is of the opinion that the impugned order. does not call for interference. The special leave petition was accordingly dismissed.

Learned counsel for the petitioner seeks liberty to approach the High Court to review the second issue adverted to in para 8 of the judgment relied upon in the impugned order i.e. "M/s Sociedade de Fomento vs. State of Goa & Anr." (W.P. 670 of 2010 decided on 26.09.2018) concerning the legislative competence with respect to the Industries (Development and Regulation) Act, 1951 (Entry 52 of the Union List).

Liberty granted.

It is open to the petitioner to urge that ground before the High Court. In the event of an adverse order, it is open to the petitioner to approach this Court on both issues.”

(emphasis supplied)

3. As clearly seen from the order passed by the Supreme Court, the applicant was granted liberty to approach this Court on the second issue adverted in paragraph 8 of the judgment dated 26 September 2018 rendered by the co-ordinate Bench of this Court on Writ Petition No. 670 of 2010 in the case of *M/s. Sociedade de Fomento Industrial Pvt. Ltd. vs. State of Goa & Anr.* concerning the legislative competence with respect to the Industries (Development and Regulation) Act, 1951 (Entry 52 of the Union List).

4. Mr. Dhond, learned senior counsel for the applicant submits that such issue is now intended to be urged on behalf of the applicant, hence the statement, which was made before the Court and as recorded in the order under review (*supra*), to the effect that the petition was covered by the decision of the co-ordinate Bench in *M/s. Sociedade de Fomento Industrial Pvt. Ltd.* (*supra*) was not

a correct statement and the same is now sought to be withdrawn by him. The Applicant has urged that the proceedings of the Writ Petition need to be accordingly heard by the Court on such issues.

5. Having heard the learned counsel for the parties, we are of the opinion that by the order under review, certainly the Writ Petition was not adjudicated on merits. It was disposed of on a statement being made on behalf of the applicant/petitioner. For such reason as also considering the orders of the Supreme Court (supra), we are inclined to accept the applicant's case in the review application.

6. We accordingly recall the order dated 20 October 2022 passed on Writ Petition No. 455 of 2009, leaving the parties to urge their respective contentions on the petition and in terms as observed by the Supreme Court (supra). The proceedings would now be required to be heard by the regular Bench.

7. The Civil Application for Review stands allowed in the aforesaid terms. No costs.

(NIVEDITA P. MEHTA, J.)

(G. S. KULKARNI , J.)