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IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 457 OF 2024

Fomento Resources Pvt. Ltd.

A Company registered under the
Companies Act, 1956 having its registered office
at office 325, 2nd floor, Casa Del Sol,

Casa III, Next to Goa Marriott,
Miramar-Goa represented herein by
its authorized signatory,

Mr. Sandeep Morajkar,
Aged 50 years,
Resident of H. No. 1734,
Paj Wada, Bicholim –Goa.

... Petitioner

Versus

1. State of Goa,
Through the Chief Secretary,
Secretariat,
Porvorim, Goa.

2. The Director,
The Directorate of Mines and
Geology, Government of Goa,
Menezes Braganza Building,
Panaji, Goa.

... Respondents

WITH

WRIT PETITION NO. 460 OF 2024

Sociedade De Fomento Industrial Pvt. Ltd.
A Company registered under the Companies Act, 1956
Having its registered office at Villa Flores da Silva,
Erasmus Carvalho Street,
Margao, Goa, 403601,
Represented herein by its
Authorised Signatory,
Mr. Sandeep Morajkar,
Aged 50 years,
Resident of H. No. 1734,
Paj Wada, Bicholim –Goa. ... Petitioner

Versus

1. State of Goa,
Through the Chief Secretary,
Secretariat,
Porvorim, Goa.
2. The Director,
The Directorate of Mines and
Geology, Government of Goa,
Menezes Braganza Building,
Panaji, Goa. ... Respondents

WITH

WRIT PETITION NO. 461 OF 2024

Sociedade Timble Irmaos Limitada,
Represented by Sociedade Fomento
Industrial Pvt. Ltd.
Having its registered Office at
Villa Flores da Silva,

Erasmo Carvalho Street,
Margao, Goa, 403601,
Represented herein by its
Authorised Signatory,
Mr. Sandeep Morajkar,
Aged 50 years,
Resident of H. No. 1734,
Paj Wada, Bicholim –Goa.

... Petitioner

Versus

1. State of Goa,
Through the Chief Secretary,
Secretariat,
Porvorim, Goa.

2. The Director,
The Directorate of Mines and
Geology, Government of Goa,
Menezes Braganza Building,
Panaji, Goa.

... Respondents

WITH

WRIT PETITION NO. 459 OF 2024

Smt. Geetabala Manohar Naik Parulekar,
Represented by its constituted Power of Attorney Holder,
Shri. Umesh Damodar Bhakta,
Age 62 years,
Having her residence at
House No. 79, Ward No. 5,
Altinho, Mapusa,

Bardez, Goa.

... Petitioner

Versus

1. State of Goa,
Through the Chief Secretary,
Secretariat,
Porvorim, Goa.

2. The Director,
The Directorate of Mines and
Geology, Government of Goa,
Menezes Braganza Building,
Panaji, Goa.

... Respondents

WITH

WRIT PETITION NO. 458 OF 2024

Messrs R. S. Shetye & Brothers,
A partnership firm duly registered with
The Registrar of Firms, Panaji, Goa
Under No. 56/78,
Having its place of business at 14,
Trionara Apartments,
First Floor, Near Municipal Market,
Panaji, Goa,
Through its Partner, Shri Vijay G. Shetye,
Aged 54 years,
Son of late Gajanan,
Resident of Bicholim-Goa.

... Petitioner

Versus

1. State of Goa,
Through the Chief Secretary,
Secretariat,
Porvorim, Goa.

2. The Director,
The Directorate of Mines and
Geology, Government of Goa,
Menezes Braganza Building,
Panaji, Goa.

... Respondents

Mr. Parag Rao (through V.C.) with Mr. Akhil Parrikar, Ms. Linette Rodrigues and Ms. Vaishali Mahato, Advocates for the Petitioner in Writ Petition No. 457/2024, Writ Petition No. 460/2024, Writ Petition No. 461/2024, Writ Petition No. 459/2024 and Writ Petition No. 458/2024.

Mr. Ajay Borkar, Additional Government Advocate for the Respondents in Writ Petition No. 457/2024.

Mr. Amogh Arlekar, Additional Government Advocate for the Respondents in Writ Petition No. 460/2024.

Mr. Deep Shirodkar, Additional Government Advocate for the Respondents in Writ Petition No. 461/2024.

Ms. Maria Correia, Additional Government Advocate for the Respondents in Writ Petition No. 459/2024.

Mr. Vishwad Sardessai, Additional Government Advocate for the Respondents in Writ Petition No. 458/2024.

CORAM:- VALMIKI MENEZES, J.

DATED :- 5th FEBRUARY, 2026

ORAL JUDGMENT

1. Heard learned Advocates for the parties.
2. Rule. Rule is made returnable forthwith; at the request of and with the consent of learned Advocates for the parties, the matter is finally heard and disposed of. Learned Advocate Mr. Akhil Parrikar waives service on behalf of the Petitioner in Writ Petition No. 457/2024, Writ Petition No. 460/2024, Writ Petition No. 461/2024, Writ Petition No. 459/2024 and Writ Petition No. 458/2024, learned Additional Government Advocate Mr. Ajay Borkar waives service on behalf of the Respondents in Writ Petition No. 457/2024, learned Additional Government Advocate Mr. Amogh Arlekar waives service on behalf of the Respondents in Writ Petition No. 460/2024, learned Additional Government Advocate Mr. Deep Shirodkar waives service on behalf of the Respondents in Writ Petition No. 461/2024, learned Additional Government Advocate Ms. Maria Correia waives service on behalf of the Respondents in Writ Petition No. 459/2024 and learned Additional Government Advocate Mr. Vishwad Sardessai waives service on behalf of the Respondents in Writ Petition No. 458/2024.
3. This common order shall dispose of the aforementioned five Writ Petitions, since they all have been disposed of by a stereotyped order of the same date, holding the subject matter

of the suits, to be disputes arising out of the exploitation of natural resources. The following are the suits that have been disposed of by the impugned orders:

1. Civil Suit No. 15/2019
2. Civil Suit No. 16/2019
3. Civil Suit No. 17/2019
4. Civil Suit No. 18/2019
5. Civil Suit No. 19/2019

4. Before the Trial Court, it is not the Defendant who objected to maintainability of the plaint nor is it a case of the Defendant seeking rejection or the return of the plaint, on the ground that the suits were commercial disputes as defined under Clause (c) of Sub Section 1 of Section 2 of the Commercial Courts Act, 2015. These orders have been passed upon the District Court, Suo Moto holding that the suits were of commercial disputes and ordering the same to be transferred to the designated Commercial Court i.e. the Court of Civil Judge Senior Division at Merces.

5. On examining the impugned order, I have taken note of the fact that the entire order is contained in four lines of paragraph No. 2 thereof, which is quoted below:

“ After having gone through the pleadings, it is evident that this dispute will fall within the ambit of a commercial dispute, the same

being in respect of exploitation of a natural resource, that is, the Iron Ore.”

6. This order does not discuss a single averment made in the plaint or how the plaint refers to exploitation of a natural resource or how the dispute raised in the plaint would be covered by Sub Clause (XIX) of Clause (c) of Sub Section 1 of Section 2 of the Commercial Courts Act, 2015. There is absolutely no discussion of the law on the subject or as to how the Court has applied its mind to the definition contained in the Commercial Courts Act, 2015. There is also no discussion or application of mind shown in the orders as to why the subject matter of the suits would fall within the jurisdiction of the Commercial Court.

7. This apart, the very act of transferring the suits to the Commercial Court itself is without jurisdiction, since these were suits which were not pending before the District Court at the time when jurisdiction of the Commercial Court was shifted from the District Court to designated Court i.e. the Court of the Civil Judge Senior Division, at Merces. Since these were not pending suits at the time of change of jurisdiction, the District Court was not vested with any power to transfer such suits and was only left with the option of returning the plaint. For this reason, also, the impugned order cannot be sustained.

8. Consequently, I deem it appropriate, for the fact that the impugned order does not disclose any proper reasoning, as also it is passed beyond jurisdiction vested in the District Court by transferring the suits to the Commercial Court, to quash and set aside all five impugned orders dated 22.01.2024, passed in Civil Suit No. 15/2019, Civil Suit No. 16/2019, Civil Suit No. 17/2019, Civil Suit No. 18/2019, Civil Suit No. 19/2019.

9. Since this question was not raised by any of the parties, and was taken up by the District Court on its own, and since it is now argued by the learned Counsel appearing for the Respondents herein, that such a suit would not be maintainable in the District Court, it is open for the Respondents/ original Defendants in the suit to file an appropriate application, if they so deem, seeking return/rejection of the plaint. If such applications are filed, the District Court shall dispose of the same on their own merits.

10. It is also open for the District Court to examine the plaints, and decide whether the same to are remain with the District Court or are commercial disputes as defined under the Commercial Courts Act. However, if the District Court chooses to examine the plaints on its own, it shall supply reasons for such consideration in any orders, it may pass.

11. Rule is made absolute in terms of prayer clause (a) of the petition.

12. Since the suits are now registered as Commercial Suits bearing numbers COMS No. 1/2024, COMS No. 2/2024, COMS No. 3/2024, COMS No. 4/2024 and COMS No. 5/2024 which are pending before the Civil Judge Senior Division 'A' Court at Mercedes, the Civil Judge Senior Division 'A' Court at Mercedes, shall remit all these suits to the file of the Principal District Judge at Mercedes, who shall deal with the suits in accordance with direction contained herein above. The parties to appear before the District Court on 25.02.2026. An authenticated copy of this order shall be placed before the Civil Judge Senior Division 'A' Court at Mercedes in each of the five Commercial Suits before it, to act in accordance of the aforementioned directions.

VALMIKI MENEZES, J.