



Suzana

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.48 OF 2026

GOA TILLARI IRRIGATION DEVELOPMENT
CORPORATION THR. THE EXECUTIVE
ENGINEER AND ANR

... PETITIONERS

Versus

M/S. KETAN CONSTRUCTIONS LTD.

... RESPONDENT

Mr. Neehal Vernekar, Additional Government Advocate for Petitioners.
None for the Respondent.

CORAM:- VALMIKI MENEZES, J.

DATED :- 29th January, 2026

ORAL ORDER:

Registry to waive objections and register the matter.

1. The Respondent has been served and had put in appearance through Advocate Ms. Shavani Raj Purohit, who has been attending this matter through video conferencing. Time had been sought by the Respondent on 29.09.2025, 12.11.2025, 08.12.2025 and 08.01.2026. Though the Respondent has sought time on several occasions to file its reply in affidavit, the same has still not been filed. Even today, none appear for the Respondents.

2. The Petitioners have challenged the Order of 19.06.2025 passed by the Commercial Appellate Court, North Goa, Mapusa, in Commercial Appeal No.2/2025, which challenges the Decree dated

22.10.2024 passed by the Commercial Court in favour of the Respondent herein granting the Respondent an amount of Rs.28,77,05,376/- (Rupees Twenty Eight Crores Seventy Seven Lakhs Five Thousand and Three Hundred Seventy Six Only). The execution proceedings to enforce this Decree is also pending before the District Court. These execution proceedings were stayed by the Appellate Court on the present Petitioner depositing the entire decretal amount of Rs.28,77,05,376/- (Rupees Twenty Eight Crores Seventy Seven Lakhs Five Thousand and Three Hundred Seventy Six Only). After the Appellate Court granted stay of the Decree, the Respondent moved an application before the Appellate Court for release of the deposited decretal amount and offered to secure the release of this amount by deposit of two Sale Deeds dated 31/8/2007 for Survey No.412/Paika 61(P) and Sale Deed dated 31.08.2007 for Survey No.412, Paika 61/1, which were for properties situated in the State of Gujarat. The Appellate Court, by Order dated 19.06.2025, permitted the Respondent to withdraw the amount of Rs.20,84,50,400/-(Rupees Twenty Crores Eighty Four Lakhs Fifty Thousand Four Hundred only) out of the deposited decretal amount and accepted security of the two Sale Deeds, which, according to the Respondent, were of a combined value of Rs.30 Crores. In other words, the Appellate Court has accepted the valuation of Rs.30 Crores, despite the same being opposed by the present Petitioner.

3. The Order of 19.06.2025 has now been assailed before me in this Petition, on the ground that the Petitioners have, subsequent to the

passing of the impugned Order dated 19.06.2025, obtained documents, which include Sale Deeds of the year 2025, and a Jantri Notification stating the circle rates of properties in the vicinity of the two Sale Deeds kept as security; it was further the case of the Petitioner that according to the contemporaneous Sale Deeds produced with this Petition and other material which is of the year 2025, the valuation of the two properties offered as security under Sale Deeds dated 31.08.2007 would not be more than Rs.5,26,00,000/- (Rupees Five Crores Twenty Six Lakhs Only) which is much below the value of the amount sought to be secured by the Respondent. It is on this ground that the Petitioners seek a modification of the Order dated 19.06.2025 or its recall, and a direction to the trial Court to pass a fresh order after considering the material now placed in this Petition.

4. In my opinion, it would not be appropriate for me to interfere with the Order dated 19.06.2025, without the Appellate Court having the advantage of assessing the documents now sought to be placed on record on the basis of which the Order dated 19.06.2025 impugned in this Petition is sought to be modified. The correct procedure would be for the Petitioner to file an application before the Commercial Appellate Court, North Goa, Mapusa, District Judge, dealing with Commercial Appeal No.2/2025, placing the aforesaid material before it and seeking a modification or recall of the Order dated 19.06.2025, after giving the Respondent an opportunity of being heard and filing their Writtens.

5. Learned Advocate for the Petitioners submits that such an application would be filed within two weeks from today before the Commercial Appellate Court. If such an application is filed, the Commercial Appellate Court shall hear the Respondent on the same and shall pass its orders, preferably by 31.03.2026. The short timelines have been fixed by this Court, considering the large difference in the valuation provided by the Petitioner and by the Respondent. This is to ensure that if the Petitioner's valuations were in fact accepted, the amount released would have to be secured by furnishing further security, the amount released being from the State Exchequer.

6. The Petition is, therefore, rejected with the above observations.

VALMIKI MENEZES, J.