

**IN THE HIGH COURT OF BOMBAY AT GOA****CIVIL APPELLATE JURISDICTION****MISC. CIVIL APPLICATION NO.255 OF 2026 (F)****IN****CIVIL APPLICATION (REVIEW) NO. 254 OF 2026 (F)**

Goveia Marina Co-operative Housing .. Applicant
Maintenance Society Thr its Treasurer

Versus

Mohinder Kaur Paintal .. Respondent

WITH**WRIT PETITION NO. 772 OF 2023**

Mohinder Kaur Paintal .. Petitioner

Versus

State of Goa Thr The Chief Secretary .. Respondents
and 3 Ors

WITH**CIVIL APPLICATION (REVIEW) NO.254 OF 2026 (F)****IN****WRIT PETITION NO. 772 OF 2023**

Goveia Marina Co-operative Housing .. Applicant
Maintenance Society Thr its Treasurer

Versus

Mohinder Kaur Paintal .. Respondent

WITH**CIVIL APPLICATION (REVIEW) NO. 448 OF 2026 (F)****IN****WRIT PETITION NO. 772 OF 2023**

M/s. Goveia Resorts/Waterfront .. Applicant

Versus

State of Goa Thr the Chief Secretary and .. Respondents
3 Ors

WITH

MISC. CIVIL APPLICATION NO. 102 OF 2026

IN

CIVIL APPLICATION (REVIEW) NO. 448 OF 2026 (F)

M/s. Goveia Resorts/Waterfront .. Applicant

Versus

State of Goa Thr the Chief Secretary and .. Respondents
3 Ors

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Adv. Nigel Da Costa Frias a/w Mr. S. Coutinho, Mr. Vineet Surlakar,
Adv. Maria Fernandes for the Applicant.

Adv. Y. Nadkarni a/w Mt. Amey Jagdish Sinai Kakodkar, Adv.
Shirodkar Pankaj Manohar, Adv. Nilay Naik, Adv. Yash Johri through
V.C. Advocate for the Original Petitioner.

Mr. Correia Maria Simone Judith Advocate for Respondent Nos.2
and 3.

Mr. Parag Rao with Mr. Akhil Parrikar Advocates for Respondent
No.4.

Adv. Pranay Kamat for Respondent No.3.

CORAM: BHARATI DANGRE &

NIVEDITA P. MEHTA, JJ.

DATED : 27th APRIL, 2026

P.C:-

1. MCA No. 255 of 2026 is filed by the Co-operative Housing
Society seeking review of the judgment and order dated 18/09/2025
passed in Writ Petition No.772 of 2023.

The applicant Society, has approached this Court by stating that it was unaware of the proceedings before the Goa Coastal Zone Management Authority (GCZMA), the National Green Tribunal (NGT) and before this Court and only when they read an article on 17/09/2025 on Digital Goa, an online news channel, and which prompted them to make subsequent inquiries, they became aware of pendency of the proceedings. Apart from this, it is the claim of the applicant that when it noticed the Developer making some changes to the property abounding the lagoon, the knowledge was gained about the judgment passed by this Court.

The learned counsel Mr. Frias appearing for the Society would submit that after gaining knowledge some time was consumed for seeking necessary legal advice, as well as to collect all relevant documents and finalize the grounds of review and this resulted into a delay of 101 days.

The learned counsel Mr. Nadkarni strongly opposed the application by specifically asserting that society was not a party to proceedings and the delay sought to be explained according to him is not bonafide.

2. On consideration of the rival contentions and on perusal of the application, since we are of the view that no party shall be kept away from access to justice, only on the ground of delay in they approaching the Court and in this case, when the delay is minuscule i.e. of 101 days, we are of the view that merely on this ground, we will not refuse to entertain their case on merits, as they are seeking review of the judgment passed by us.

For this reasons, MCA No. 255 of 2026 is made absolute by condoning the delay of 101 days.

3. MCA No. 102 of 2026 is filed by the original Respondent No.4, and the application seeks condonation of delay of 117 days.

This application is filed by the applicant, who very much participated in the proceedings in form of WP No. 772 of 2023 and as it is clear from the application also that this party approached the Apex Court by filing a Special Leave Petition and on 13/01/2026, the Special Leave Petition along with two other Special Leave Petitions, where leave to file SLP was granted, and came to be dismissed by recording that there is no ground to interfere with the impugned order(s).

4. On hearing learned counsel Mr. Parag Rao, we specifically put a query to Mr. Parag Rao, counsel appearing for the Review Applicant, as to how the review petition is maintainable and he would rely upon the decision of the Apex Court in case of *Kunhayammed v. State of Kerala*, (2000) 6 SCC 359, to urge that the findings rendered by this Court, on dismissal of the SLP do not merge into it and therefore it is open for him to raise a challenge in a review petition as far as the merits of the matter are concerned.

The learned counsel Mr. Nadkarni, however, has vehemently opposed the application.

However, since the arguments canvassed are on the merits of the matter by keeping this objection open to be canvassed, while we hear the review petition, we condone the delay of 117 days.

MCA No. 102 of 2026 is made absolute.

5. The contesting parties are at liberty to file response to the review petition, if they so desire before the next date of hearing.
6. List the matter on 29/06/2026.

(NIVEDITA P. MEHTA, J.)

(BHARATI DANGRE, J.)