

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CW-34-2020**

Margao Wholesale Fish Market Association ... Petitioners
Versus
State of Goa & Ors. ... Respondents

Mr. D. Lawande and Mr. P. Dangui, Advocates for the Petitioners.
Mr. D. Pangam, Advocate General with Mr. Deep Shirodkar, Additional Government Advocate for Respondent Nos.1 and 2.
Mr. A. D. Bhoje and Mr. B. Rodrigues, Advocates for Respondent No.3.
Mr. I. Santimano, Advocate for Respondent No.4.

**Coram:- M. S. SONAK &
SMT. M. S. JAWALKAR, JJ.**

Date:- 16th June, 2020

P.C.

Heard the learned counsel for the parties.

2. The learned Advocate General states that the concerned stakeholders will meet and come out with some solution, in terms of which the wholesale market can be opened. The learned Advocate General points out that in terms of communication dated 9th May, 2020 issued by the Collector of South Goa District, it is already clarified that there can be no objection as such to the opening and operation of the

wholesale fish trade activities. However, the learned Advocate General submits that this very communication makes it clear that such activities can be held only within the certain permissible hours and further the guidelines issued by the MHA will be strictly adhered to. He submits that if the various authorities are granted some time, they will certainly be in a position to come out with some solution so that opening of the SGPDA market is not delayed any further.

3. Mr. Lawande has pointed out that the Petitioners have complied with every single conditions referred to in the notice dated 12th May, 2020 issued by the SGPDA except the condition (B). He submits that there is no concept of registration of vehicles with the Directorate of Fisheries and FDA. He submits that the FDA has set up inspection units at Pollem and Patradevi and at these inspecting units, the FDA inspects the fish particularly to trace the presence of formalin or other impermissible chemicals. Mr. Lawande states that once there is a clearance from the FDA, the condition (B) can said to have been substantially complied with.

4. Mr. Bhohe, learned counsel for the SGPDA agrees that all conditions except condition (B) have been fulfilled by the Petitioners. However, he points out to condition (H) which refers to interested parties/association/traders may contact the SGPDA office for further guidelines during the office hours. According to us, condition (H) is

blissfully vague and on the basis of such vague condition, the SGPDA cannot resist the opening of the fish market meant for wholesale traders.

5. Mr. Bhohe, learned counsel for the SGPDA states that condition (H) implies restrictions on the number of persons operating and the number of vehicles which will supply the fish to the wholesale market. As of today, no such guidelines have been placed before us. The Petitioners have already made allegations in their petition namely that the opening of the wholesale fish market is being delayed by the SGPDA for reasons which according to them are extraneous. For the present, it is not possible for us to adjudicate upon such allegations. However, we feel that on the basis of vague condition at clause (H) the SGPDA cannot resist the opening of the wholesale fish market.

6. Mr. Lawande points out that practically all other fish markets in Goa are opened and even the SGPDA's retail fish market has also opened. The learned counsel for the Respondents dispute this position. The learned Advocate General points out that the Mapusa fish market is yet to open.

7. Now that the learned Advocate General states that it is possible that the issue is sorted out, we grant some time for the same. The learned Advocate General states that necessary meetings in order to find a solution to be held in this week itself and some decision will be

communicated to the Petitioners latest by 20th June, 2020.

8. Accordingly, liberty to apply.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

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