

IN THE HIGH COURT OF BOMBAY AT GOA

STM NO. 1183 OF 2020

The Goa Foundation
through its Secretary,
Dr Claude Alvares,
with office @Rm.7, Le Brag
Chambers, Mapusa Clinic,
Mapusa 403507 Goa.

..... Petitioner

V e r s u s

1. The Department of Mines & Geology,
Through its Director,
Menezes Braganza Bldg.,
Panaji, Goa 403001.
2. The Secretary, Mines,
Government of Goa,
Secretariat, Porvorim, Goa.
3. State of Goa,
Through its Chief Secretary,
Having office at Secretariat, Porvorim, Goa. Respondents

Ms Norma Alvares and Ms. Anamika Gode, Advocates for the Petitioner.

Mr. D. Pangam, Advocate General with Ms. Maria Correia, Additional
Government Advocate for the Respondents.

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

Date : 4th August, 2020

ORAL JUDGMENT (Per M. S. Sonak, J.)

1. The learned Counsel for the parties state that they have no objection to this Bench taking up this matter.

2. Accordingly, we issue Rule. The Rule is made returnable forthwith at the request of and with consent of the learned Counsel for the parties. The learned Counsel for the respondents waive service.

3. The substantive relief prayed for in this petition reads as follows :

(i) Direct completion of recovery of the amounts stipulated in the demand notices under Annexures 4 and 5 within a time-bound period and its deposit in the Goa Permanent Iron Ore Fund.

ii) For costs of this petition;

iii) Any other reliefs this Hon'ble Court may be pleased to grant.

4. Perusal of annexure 4 (at pages 43 to 45 of the paper book) indicates that it is a Summary of Mining Audit Report submitted by auditors which is also referred to as the CA report. This annexure gives a list of the show cause notices as also the amounts which are proposed to be recovered. The learned Advocate General states that the process is already on in pursuance of the show cause notices referred to in annexure 4 and the same will be completed as expeditiously as possible and, in any case, within a period of two months from today. We accept this statement as a statement made to this Court.

5. Perusal of annexure 5 (at pages 46 to 48 of the paper book), is styled as the details of Iron ore produced in excess of mining plan but the learned Counsel for the parties agree that this may be referred to as the details of recovery proceedings in pursuance of the CAG report. This annexure also indicates the details of the show cause notices issued to various authorities and the amounts which are to be recovered from them.

6. The learned Advocate General makes a statement that the show cause notices referred to in annexure 5 will be disposed off within a period of two months from the date of the disposal of the show cause notices issued in annexure 4. We accept this statement, as a statement made to this Court.

7. According to us, the aforesaid statements so made by the learned Advocate General take care of the substantial reliefs prayed for in this petition. Ms. Alvares, the learned Counsel for the petitioner, also agrees with the statements so made and accepted by this Court, redress substantially the grievances raised by the petitioner in this petition.

8. Accordingly, we accept the statements made by the learned Advocate general and direct the concerned authorities to act accordingly.

9. We dispose the rule in this matter, accordingly.

10. There shall be no order for costs.

11. All concerned to act on the basis of an authenticated copy of this order.

M. S. JAWALKAR

M. S. SONAK, J.

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