

ITEM NO.11

COURT NO.9

SECTION IX

S U P R E M E      C O U R T   O F      I N D I A  
R E C O R D   O F   P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).16504/2011

(From the judgement and order dated 04/05/2011 in WP No.470/2006,MCA No.789/2009 of The HIGH COURT OF BOMBAY AT PANAJI)

STATE OF GOA TR.CHIEF SECRETARY

Petitioner(s)

VERSUS

MORMUGAO PORT USERS ASSN.&amp; ORS.

Respondent(s)

(With appln(s) for modification of Court's Order,impleadment and prayer for interim relief and office report )

Date: 10/04/2012      This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK VERMA

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s)	Mr. Shyam Divan, Sr. Adv. Mr. Siddharth Bhatnagar, Adv. Mr. Pawan Kumar Bansal, Adv. Mr. T. Mahipal, Adv.
For Intervenor	Dr. Rajeev B. Masodkar, Adv. Dr. Sushil Balwada, Adv.
For Respondent(s)	Mr. Pratap Venugopal, Adv.
For RR No. 1	Mr. Varun Singh, Adv. Ms. Namrata Sood, Adv. For M/S. K.J. John & Co., Adv.
For UOI	Mr. T.S. Doabia, Sr. Adv. Ms. Kiran Bhardwaj, Adv. Ms. Rashmi Malhotra, Adv. Mr. R.K. Rathore, Adv. Mr. S. Saini, Adv. Ms. Sunita Sharma, Adv. Mr. D.S. Mahra, Adv.
For RR No. 5 [Port Trust]	Mr. L.N. Rao, Sr. Adv. Mr. A. Raghunath, Adv.

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For RR No.6/NHAI	Mr. Amarendra Saran, Sr. Adv. Mr. Bibhakar Misra, Adv. Ms. Momota Devi Oinam, Adv.
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For RR No. 7	Ms. Malvika Trivedi, Adv. Mr. Nirnimesh Dube, Adv.
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For Goa SPCB	Mr. Bhavanishankar Gadnis, Adv. Mr. A. Venayagam Balan, Adv.
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UPON hearing counsel the Court made the following  
O R D E R

On account of subsequent developments that have taken place, learned senior counsel appearing for the petitioner prayed for two weeks' time to file affidavit and bringing those facts to the notice of this Court. Let the affidavit be filed after serving copies thereof to the counsel for the respondents.

Copy of the Note duly signed by Chief Minister of Goa dated 8.4.2012 has also been given to us for our perusal. We have gone through it, in which following decision has been taken:

"As per the preliminary discussion/understanding with the MPT and Project Director NHAI held by me today i.e. 09/04/2012 the State Government will consider to construct the balance portion of the four lane road including the elevated portion of the road along Baina beach and share the component of additional cost due to the elevation of the road along the Baina beach provided the NHAI/MPT/Ministry of Road Transport bears the remaining cost of the project as a

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deposit work. The Government of Goa is committed to complete the work of NH17B within minimum time as per the specification of the Ministry of Road Transport and Highways."

It appears that now State of Goa has agreed to bear the expenses for construction of elevated road on the disputed area i.e. from Desterao Calva to Sada Junction. In the light of this, one major issue appears to have been sorted out. For other issues, the State Government may file affidavit. The respondents, if so desire, may file counter to the said affidavit within one week thereafter.

In the meanwhile, if the parties so desire, they can convene a meeting to discuss further areas of differences, which could not be sorted out ever since they had met last. But this time, meeting will be held

at New Delhi and the President of Respondent No.1 shall  
also be permitted to participate in it.

List in the first week of May, 2012.

(A.D. Sharma)  
Court Master

(S.S.R. Krishna)  
Court Master