



Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

**CIVIL APPLICATION (REVIEW) NO.18/2026
WITH
MISC. CIVIL APPLICATION NO.330/2026
IN
CIVIL APPLICATION (REVIEW) NO.18/2026**

SHANTILAL KHUSHALDAS AND
BROTHERS PVT. LTD. THR AUTH
REPRESENTATIVE SHIVAPPA
DYAMAPPA CHAWAN

... REVIEW
PETITIONER

Versus

STATE OF GOA THR ITS
CHIEF SECRETARY AND ANR.

... RESPONDENTS

Mr Rony Ommen John, Mr Vibhav Amonkar, Mr Raj Chodankar,
Ms Sonam Desai, Ms Maria Mashelkar, Ms Avantika Mehndiratta
(thr VC) and Mr Piyush Swami (thr VC), Advocates for the
Petitioner.

Mr D. Pangam, Advocate General with Mr P. Arolkar, Additional
Government Advocate for the Respondent-State.

**CORAM: VALMIKI MENEZES &
AMIT S. JAMSANDEKAR, JJ.**

DATED: 28th SEPTEMBER 2026

ORDER :

1. Delay in filing the Review Application stands condoned.
Registry to waive office objections and register the matter.
2. Heard learned counsel for the parties.

3. On instructions, the Advocate for the Review Petitioner submits that he withdraws all other grounds raised in this Review Application but presses for ground no.I (a, b, c and d) of the Petition. He submits that the Review Application shall be restricted to pressing the aforementioned ground no.I (a, b, c and d).

4. At the outset, the learned Advocate General brings to our notice that the Special Leave to Appeal (C) No.21933/2026 records that the Petitioner has withdrawn the Special Leave Petition against the Judgment dated 08.05.2026 (which is under review). He further submits that no specific leave was granted to the Petitioner to approach this Court in review.

From a reading of paragraph 1 of the order of the Hon'ble Supreme Court dated 19.06.2026, we note that the order records that the Petitioner seeks, and is permitted to withdraw the Special Leave Petition as he wants to file a review petition before the High Court. There is no specific leave granted to the Petitioner to withdraw the Special Leave Petition with leave to approach this Court in a review petition. We also note that paragraph 2 of the order of the Supreme Court records that the Special Leave Petitions are dismissed as withdrawn.

5. Learned Advocate General, on instructions, has further made a submission that the Mining Lease Lot No.18 which was subject matter of the Writ Petition, has now been allotted on e-auction to Dharati Dredging under the Letter of Intent dated 03.07.2026; he further submits that the first instalment towards

this allotment of the mine has been made along with the security deposits required to be made pursuant to the Letter of Intent.

6. Be that as it may, we proceed to deal with the submissions of the learned counsel as raised in ground no. I (a, b, c and d).

7. Learned counsel for the Review Petitioner submits that the Judgment under review is premised on the assumption that Goa Foundation-1 judgment covered cases which are that of the Petitioner. He submits that the Petitioner's case was one where the application for first renewal was pending, whilst the Goa Foundation-1 judgment proceeded on the assumption that all the mining leases which were covered by the judgment were those where the first renewal application had been granted and mining leases had been executed and were operating. He claims that the Petitioner fell in the exception to the leases covered by Goa Foundation-1 judgment. He has taken us through paragraphs 21 to 24 and 27.1 of the Goa Foundation-1 judgment to submit that the Goa Foundation-1 judgment never covered a case similar to that of the Petitioner, and that this Court, on the erroneous factual assumption that it did, proceeded to render its judgment.

8. After considering these submissions, we reject the review application on this ground, for the following reasons.

9. We have perused the judgment under review, and note that in paragraphs 13 to 15, this Court has arrived at its conclusion after considering the observations in the Goa Foundation-1 judgment specifically quoted in paragraphs 13 and 14 of the

judgment. The conclusion arrived at, was after analysing the observations made in the judgment, which were later referred to in the Goa Foundation-2 judgment, which have also been noted by us in paragraph 15 of the judgment under review. This Court has therefore gone through a detailed exercise of interpreting the judgment, and this by itself would not be an error apparent on the face of the record, giving rise to a ground for review.

10. We also take note of the fact that the Writ Petition was dismissed not only on the ground that the application for first renewal was pending before the Directorate of Mines and Geology, but also on two other points; the petition was dismissed on the ground that the conduct displayed by the Petitioner, disentitled the Petitioner to discretionary reliefs under Article 226 of the Constitution of India. after considering the conduct of the Petitioner and the fact that the Petitioner was an intervenor in the Goa Foundation-1 matter before the Supreme Court, and was fully aware of the manner in which the Goa Foundation-1 judgment would affect the Petitioner's pending application, Petitioner chose not to bring the fact of the pendency of its application before the Supreme Court. The second ground on which the Petition has been dismissed was that the Petitioner indulged in running the mining lease, without any mining agreement/lease being executed in its favour, these observations have been made in paragraphs 16 and 17 of our judgment. The Writ Petition was therefore dismissed not just on the submission which is made before us today, but on two other grounds, which we believe were also challenged in the Special Leave Petition before the Supreme Court.

11. For these reasons, we find no case made out for review. There is no error apparent on the face of the record. In fact, we find that the Review Petition is a total abuse of the process of this Court, as even a reading of the Supreme Court's order allowing the Petitioner to withdraw the Special Leave Petition, does not clearly grant the Petitioner leave to approach this Court in a review application. The ground no.I (a, b, c and d) which is pressed before us, is clearly not a ground of error apparent, as the judgment under review has dealt with the case raised by the petitioner of one not been covered by the Goa Foundation-1 judgment in great detail. As observed, the filing of this review petition being an abuse of the process of Court, we therefore impose costs of Rs.1,00,000/- on the Petitioner, who shall deposit these costs in a fund to be created by the Goa High Court Bar Association to be titled "Legal Training/Education Fund"; the Goa High Court Bar Association shall maintain this fund through a separate bank account, and the amounts so deposited therein be utilized towards training of Advocates and imparting legal education. The costs shall be deposited within a week from today.

12. We also take note of the fact that the costs originally imposed on the Petitioner in our judgment dated 08.05.2026 in the amount of Rs.5,00,000/- has till date not been deposited with the Goa State Legal Services Authority (GSLSA). The Petitioner is directed to deposit those costs within a week from today. The Member Secretary, GSLSA to accept the same.

13. The Civil Application (Review) No.18/2026 and Misc. Civil Application No.330/2026 stand disposed of in the above terms.

AMIT S. JAMSANDEKAR, J.

VALMIKI MENEZES, J.