

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1044 OF 2016

MR. UDAY MAHADEV SALKAR., ... Petitioner
Versus
STATE OF GOA, THR. ITS CHIEF
SECRETARY AND 4 ORS., ... Respondents

Shri Rohit Bras De Sa, Advocate for the petitioner.
Shri S.D.Lotlikar, AG with Shri Sagar Gurudas Dhargalkar,
AGA for respondent no.1.

Coram:- ANOOP V. MOHTA &
NUTAN D. SARDESSAI, JJ.

Date:- 15th March, 2017

Final Order :

On hearing the parties finally, we are inclined to dispose off the present writ petition at the admission stage itself as the constituted attorney of respondent no.3/the awardee/"Producer" of the film after receipt of notice of this petition present in person in Court and on instructions, and even otherwise voluntarily makes statement that he is surrendering the Best "Feature Film award" (the award) presented by respondent no.2 under Goa Film Festival-2016, announced by the department of Information and Publicity -respondent no.1.

2. The petitioner has challenged the award which is directly contrary to Rule 13(5) of the Goa State Film Regulations Festival 2014 (the regulation), which is reproduced as under:-

13(v) : Any person directly or indirectly associated with the film entered for competition in feature or non-feature category, shall not be eligible to serve on any of the jury panels. An undertaking to this effect shall be obtained from those of the jury panels."

The regulation provides that the procedure to consider and announce such award based upon the jury decision. There were only two entries in the film competition. The petitioner's film was "PREM AT FIRST SIGHT" and respondent no.3's film was "GURU PURNIMA". These were the only contesting films. Respondent no.3 (The awardee) got the award, in view of the final decision of the Jury under the regulations.

3. The petitioner's submission based upon the judgments and Rules reproduced above that the mother of one of the jury was in the film "GURU PURNIMA" in supporting role. Therefore, he should not have participated, as member of the jury for assessing or deciding film award in question.

4. Without going into merits of the matter as respondent no.3 is present in Court and voluntarily surrender the award to avoid complication and also ready to refund the awarded money of Rs.five lakhs within one week and the learned Advocate General makes statement that they also withdraw or recall the award in question. He also makes a statement that respondent

no.1 shall re-constitute fresh jury and/or re-consider the position in view of the Regulation in question again within a month in accordance with the regulation, so far as the films in question. The Jury may take a fresh decision accordingly.

5. In view of this, the learned counsel appearing for the petitioner on instructions fairly not pressing the petition and it is disposed of. No costs.

NUTAN D. SARDESSAI, J.
mukund

ANOOP V. MOHTA, J.