

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.172 OF 2019

Big Star G Services LLP & Anr. Petitioners.

Versus

State of Goa and others. Respondents.

Mr. Nitin Sardesai, Senior Advocate with Mr. Gaurang Panandikar,
Advocate for the Petitioners.

Mr. Dattaprasad Lawande, Advocate General with Mr. Deep
Shirodkar, Additional Govt. Advocate for Respondents No.1 to 3.

Mr. S.G. Desai, Senior Advocate with Mr. V.R. Tamba, and Mr.
Paresh Sawant, Advocates for Respondents No.5 & 6.

***Coram : R.D. Dhanuka &
Prithviraj K. Chavan, JJ.***

Date : 11 April 2019.

P.C.:

1. Pursuant to the order dated 2nd April, 2019 passed by this Court, the Petitioners have deposited a sum of ₹ 45.00 crores with the Registrar of this Court to show their bonafides. The learned Advocate General tenders two charts showing timelines for inviting Expression of Interest and Request for Proposal in respect of distribution and conduct of Goa State Lotteries.

2. After some discussion, the learned Advocate General states that the entire process of invitation of tenders and finalisation thereof and award of the contract would be completed within six

months from 1st May, 2019. The statement is accepted.

3. Mr. Dessai, learned Senior Counsel for respondents No.5 and 6, on instructions, states that the on going contract with Respondents No.5 and 6 to be continued till the tender process is finalised by the State Government. The learned Senior Counsel, on instructions, states that during this extended period his clients would pay at the rate of ₹ 45.00 crores per annum proportionately to the State Government and would comply with other terms and conditions of the contract during this period. The Statement is accepted.

4. The State Government is permitted to complete the process within six months from 1st May, 2019. It is made clear that no further extension of time would be granted to the State Government for completing the process as directed aforesaid.

5. In view of the statement made by the learned Advocate General to complete the entire process within six months from 1st May, 2019, we direct the Registrar of this Court to refund the amount deposited by the Petitioners, within one week from today. The Petitioners would be entitled to accrued interest also, if any on such amount of deposit of Rs.45.00 crores made pursuant to the last order made by this Court.

6. In view of the statement made by Mr. S.G. Desai, learned Senior Counsel for Respondents No.5 and 6, the State Government shall continue the existing arrangement with the Respondents No.5 and 6 till the contract is awarded to a successful bidder, on the Respondents No.5 and 6 depositing proportionate amount to be calculated on the basis of ₹ 45.00 crores per annum till the contract is awarded to the successful bidder.

7. In the event of Respondents No.5 and 6 committing any breach of the contract, including the amount to be deposited as agreed before this Court today, the Respondents No.1, 2 and 3 shall terminate the interim arrangement permitted by this Court.

8. It is made clear that despite the Model Code of Conduct being in force, the State Government would be at liberty to go ahead with the tender process and finalisation thereof.

9. The Writ Petition is disposed of on the aforesaid terms.

Prithviraj K. Chavan, J.

R.D. Dhanuka, J.