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IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.612 OF 2024

M/S. SKILL LOTTO SOLUTIONS J. V.,
THR. ITS AUTH. REP. GYAN PRAKASH
SHARMA

... PETITIONER

Versus

STATE OF GOA, THR. THE CHIEF
SECRETARY AND ANR.

... RESPONDENTS

Mr. Nitin Sardesai, Senior Counsel with Mr. V. R. Tamba, and Mr. Vibhav Amonkar, Advocates for the petitioner.
Mr. D. Pangam, Advocate General with Ms Maria Simone Correia, Additional Government Advocate for the respondents.

**CORAM:- BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ.**

DATED :- 22nd July, 2025

P.C.

1. The grievance raised in the petition pertains to denial of an opportunity of hearing before the Earnest Money Deposit (hereinafter referred to as 'EMD') of Rs.1,00,00,000/- (Rupees One Crore only) furnished by the petitioner was forfeited, on the ground that the petitioner failed to execute the agreement within the stipulated time.

Learned Senior Counsel, Mr. Sardesai, by inviting our attention to the Notice Inviting Expression of Interest for selection and appointment as marketing agency for sale of all forms of lotteries conducted by the State of Goa, submitted that upon the petitioner

being declared as a successful bidder, the NIT specifically contemplated a situation of forfeiture of the EMD only in the following two contingencies:

- (a) If the bidder withdraws the bid before completion of the entire process of selection.
- (b) If the selected bidder fails to execute the agreement within the time specified by the Director, Directorate of Small Savings and Lotteries, as stipulated in Clause 8 of the NIT.

2. According to the learned Senior Counsel, in the wake of the pandemic grappling the whole nation at the relevant time, the period to execute the agreement was extended, and even the petitioner made a request for its withdrawal from the bidding process and for remitting the earnest money deposited, but before the decision is taken on the said request, no opportunity of hearing was afforded the petitioner.

3. The learned Advocate General, Mr. Pangam, representing the respondent authority, on consideration of the grievance of the petitioner at this stage, submitted that the respondents have no difficulty in granting post decisional hearing to the petitioner and this hearing will be afforded by the respondent no. 2, Director of Small Savings and Lotteries, Panaji, Goa, i.e. respondent no. 2.

We expect the Director to communicate a date of hearing to the petitioner within a period of one month from today, upon which the

petitioner shall remain present before the said authority, upon which the petitioner shall mark his presence before him and an appropriate order in regards to the request of the petitioner for refund of the EMD amount of Rs.1,00,00,000/- (Rupees One Crore only), shall be considered.

Needless to state, we have not expressed any opinion on merits of the matter. The rights and contentions of all parties are specifically kept open.

The writ petition stands disposed of accordingly.

NIVEDITA P. MEHTA, J.

BHARATI DANGRE, J.