

...Respondents

Mr.H.S.Venegaonkar for Respondents.

DATE : FEBRUARY 25, 2021.

Heard Mr.Tulzapurkar,learned senior counsel for the Petitioner and Mr.Venegaonkar for the Respondents.

2 The learned counsel for the Respondents submits that earlier
other Advocate was appearing for the Respondents and now he has
received instructions to appear in the present matter.

3 By this Petition under Article 226 of the Constitution of India, Petitioner is seeking direction against the Respondent for granting them licence as required under section 13-A of the Goa, Daman and Diu Public Gambling Act, 1976 which is applicable to Daman. Section 13A reads thus:

“13A.Authorised Game. -

(1) Notwithstanding anything contained in this Act, the Government may authorised any game of electronic

amusement/slot machines in Five Star Hotels (and such table games and gaming on board in vessels offshore as may be notified) subject to such conditions, including payment of such recurring and non-recurring fees, as may be prescribed.

(2) The provisions of this Act shall not apply to any game authorised under sub-section (1).”

4 The learned Senior counsel for the Petitioner submitted that they have constructed five star hotel at Daman, after getting No objection certificate from the Administrator, Daman by letter dated 12th October 2007. Thereafter, they applied to the Respondents for issuing licence on 14th October 2014. Till today, the same is not issued by the Respondents, hence this Petition.

5 The learned senior counsel for the Petitioner submits that initially they had to approach Ministry of Home Affair, Government of India. He submits that by letter dated 15th October 2018 Respondents replied that the issue of granting licence comes under the jurisdiction of UT Administration of Daman and for that purpose UT Administration may be approached. He submits that they approached the Administrator who informed them that unless and until they get instructions from the Ministry of Home Affairs, Government of India, they are not considering the application for granting licence.

6 Considering the facts and as the matter is pending with the Respondents for last more than three years for grant of licence, following order is passed:

(a) Respondents are directed to file reply on or before 10th March 2021 with copy to the other side.

(b) Rejoinder, if any, to be filed on or before 17th March 2021 with copy to the other side.

(c) Matter to appear on board on 22nd March 2021.

(d) Learned counsel for the Respondents waives service.

[RIYAZ I. CHAGLA, J.]

[K.K.TATED, J.]