

IN THE HIGH COURT OF BOMBAY AT GOA**LD-VC-CW-81-2020**

Suni Garg Petitioner

V e r s u s

State of Goa and anr. Respondents

Mr. Jatin Sehgal, Ms. Devna Soni, Shri A. Garg, Shri Shivashish Dwivedi,
Mr. Ryan Menezes, Ms. Gina Almeida, Advocates for the Petitioners.
Mr. Pravin Faldessai, Assistant Public Prosecutor for the Respondent no.2.

CORAM: DAMA SESHADRI NAIDU, J.**DATE: 14TH JULY 2020.****ORDER:**

Issue notice to the respondent no.1, returnable on 4/8/2020. Besides the Registry, the petitioner's counsel too is permitted to take out private notice—both through registered post and e-mail if available—to the first respondent.

2. Shri Pravin Faldessai, the learned Assistant Public Prosecutor, takes notice for the second respondent.

3. On the last occasion, that is on 10/7/2020, this Court permitted the petitioner to seek clarification from the learned Lokayukta about whether the 'hearing' granted to the petitioner facilitates oral submissions online from Delhi.

4. In that context, on 12th July 2020 the petitioner is said to have applied to the Lokayukta, by annexing the Circular, dated 9/7/2020, issued

by the Department of Law and Judiciary, Government of Goa. Eventually, the learned Lokayukta passed an order and it reads as follows:

“The application through e-mail is placed before me. The order was clear and needs no clarification. Inform the parties concerned, accordingly.”

5. As this Court noted in its earlier order, dated 10/7/2020, both the petitioner and his counsel are stationed in Delhi. From the submissions advanced by the petitioner's counsel, I gather that neither could be physically present before the Lokayukta to advance oral submissions.

6. Even the Circular issued by the Government of Goa requires all the Courts and Quasi-Judicial Authorities, including Goa Lokayukta, not to pass any adverse orders “if the lawyer is unable to attend the hearing on a particular day and lawyers should be accommodated in case of any such difficulties.” I find no occasion to examine the propriety of an administrative directive in the judicial sphere, though. The Circular, at least, underlines the raging, unheard-of medical emergency.

7. Given the pandemic conditions prevailing across the country, I reckon it is fraught with danger for the petitioner or his counsel to undertake travel from Delhi to Goa on any given date until the situation improves. Besides, it is not in public interest either to compel them to be present in Goa physically under these circumstances.

8. Therefore, there shall be an interim stay in terms of prayer clause (ii) in this writ petition. That is, all further proceedings in Proceeding

No.15/2016 before the Goa Lokayukta shall stand stayed until further orders.

Post the matter on 4/8/2020.

DAMA SESHADRI NAIDU, J.

AP/-