

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW-97/2020

Madelina Pereira ... Petitioner

Versus

State of Goa and Ors. ... Respondents

Mr. Shivan Desai, Advocate for the Petitioner.

Mr. D. Pangam, Advocate General along with S. P. Munj, Addl. Government Advocate for the Respondents.

Coram:- M.S. SONAK &
SMT. M. S. JAWALKAR, JJ.

Date:- 21st July, 2020

P. C.:

Heard Mr. Shivan Desai for the Petitioner and Mr. D. Pangam, the learned Advocate General for the Respondents.

2. The challenge in this petition is to the Orders dated 27.12.2018 and 13.03.2020 made by the authorities under the Arms Act declining arms license to the petitioner.

3. Mr. Desai points out that the rejection is on the only ground that the petitioner had allegedly failed to apply for the renewal of the arms license within the prescribed period. Mr. Desai submits that

there is power vested in the authorities to condone the delay in applying for renewal. Mr. Desai Submits that the petitioner, without prejudice to her rights and contentions has already applied to the authorities on 08.07.2020 seeking permission to apply for renewal since, on account of oversight no such application for renewal was made after the license expired on 31.12.2017.

4. Learned Advocate General states that the appropriate authorities, without prejudice, will consider and dispose of in accordance with law the petitioner's application seeking renewal of arms license made on 08.07.2020.

5. Since, the petitioner's application dated 08.07.2020 is not quite clear, at the request of the learned counsel for the parties we clarify that this application is to be treated as application seeking renewal of the arms license which expired on 31.12.2017. Mr. Desai states that the petitioner will file an application seeking condonation of delay within one week from today. Accordingly, the application dated 08.07.2020 and the application seeking condonation of delay will be considered and disposed of in accordance with law by the concerned authorities as expeditiously as possible. Learned Advocate General states that this will be done by the concerned authorities as expeditiously as possible.

6. We clarify that we have not gone into the contention as to

whether there is power for condonation of delay or not. Therefore, all contentions of all parties are expressly left open for the determination of the concerned authorities.

7. With the aforesaid directions, the present petition is disposed of. All concerned to act on the basis of authenticated copy of this Order.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

ss*