



Darshan Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3077 OF 2019

Lalit Kumar Modi

...Petitioner

Versus

Board of Control for Cricket in India
and Ors.

...Respondents

Mr Mohit Goyal, a/w Mr Gaurav Gopal (V.C.) i/b Wadia
Ghandy & Co., for the Petitioner.

**CORAM: M.S. Sonak &
Jitendra Jain, JJ.**

DATED: 19 December 2024

PC:-

1. Heard learned counsel for the petitioner.
2. The petitioner was appointed as Vice President of the Board of Control for Cricket in India (“**BCCI**”), respondent No.1 herein. During that period, he claims to have been appointed Chairman of the IPL governing body, a subcommittee of the BCCI.
3. By instituting this petition, the petitioner seeks the following reliefs:-

“a) issue a writ of mandamus and/or any other appropriate writ/order/ direction/s in the nature of mandamus directing the respondents to pay/deposit on behalf of Petitioner, penalty of Rs.10,65,00,000/- (Ten Crores Sixty Five Lakhs only) imposed under the said order dated 31st May 2018 (EXHIBIT ‘G’ hereto) by the Ld.

Adjudicating Authority under FEMA, and keep the Petitioner indemnified in terms of Rule 34 of the BCCI Rules and Regulations;

b) issue an ex-parte ad interim order directing the respondents to pay/deposit the penalty of Rs.10,65,00,000/- (Ten crores and sixty five lacs only) on behalf of Petitioner;

c) grant Costs; and”

4. The relief in this case is firstly against the BCCI on the ground that by-laws require the BCCI to indemnify the petitioner.

5. In **Zee Telefilms Ltd. & Anr. Vs. Union of India & Ors.**¹, the Hon’ble Supreme Court has held that the BCCI does not answer the definition of ‘State’ within the meaning assigned to this term under Article 12 of the Constitution of India. Therefore, this petition and the reliefs sought for it are not maintainable.

6. Though the above decision was delivered in 2005, this petition was instituted in 2018, pleading that the Hon’ble Supreme Court and this Court have consistently held that the BCCI is amenable to writ jurisdiction under Article 226 of the Constitution of India. In matters of alleged indemnification of the petitioner in the context of penalties imposed upon the petitioner by the ED, there is no question of discharge of any public function, and therefore, for this purpose, no writ could be issued to the BCCI.

7. In any event, the reliefs are wholly misconceived. The adjudication authority under the FEMA has imposed a penalty of Rs. 10,65,00,000/- upon the petitioner. The petitioner now

¹ 2005 4 SCC 649

seeks a writ of mandamus on the BCCI to pay this amount to the Enforcement Directorate (ED). No such mandamus can be issued.

8. This petition is frivolous, and accordingly, we dismiss this petition with costs of Rs.1,00,000/- payable to Tata Memorial Hospital (Account No. 1002449683, IFSC Code: CBIN0284241, Bank Name: Central Bank of India) within 4 weeks from today. Necessary proof of payment should be filed in this Court.

(Jitendra Jain, J)

(M.S. Sonak, J)