(2022) 04 SIK CK 0017

In the Sikkim High Court

Case No : Writ Petition (PIL) No. 01 Of 2021

Jojo Jose APPELLANT

Vs

Union Of India & Ors RESPONDENT

Date of Decision : 19-04-2022

Acts Referred:

Citation : (2022) 04 SIK CK 0017

Hon'ble Judges : Biswanath Somadder, CJ;Meenakshi Madan Rai, J

Bench : Division Bench

Advocate : Sangay Bhutia, Sangita Pradhan, Sudesh Joshi, Thinlay Dorjee Bhutia, Yadev Sharma, Sujan Sunwar, J.K. Chandak, Ranjeeta Kumari, Sunita Chettri, Hissey Gyaltsen, Ugang Lepcha

Final Decision : Dismissed

Judgement

Biswanath Somadder, CJ

In our order dated 24th March, 2022, we had raised a specific issue as to whether the State of Sikkim suffered any loss of revenue in the backdrop of an invoice/bill dated 26th June, 2017, which was sought to be highlighted by the learned advocate representing the writ petitioner. We also kept the point of maintainability of the writ petition open in our said order dated 24th March, 2022.

Today, when the matter is taken up for consideration, the learned Additional Advocate General draws our attention to a report in the form of an affidavit affirmed on 08th April, 2022, by the Director, Directorate of Sikkim State Lotteries, Finance Department, Government of Sikkim, who has been duly authorised by the respondent no. 2 to file the same.

A bare perusal of the said report in the form of an affidavit reveals inter alia that there is no loss to the State exchequer – or, in other words – the State of Sikkim did not suffer any loss of revenue while lottery was being conducted, which was this Court's only concern while entertaining this Public Interest Litigation.

At this juncture, the learned advocate representing the writ petitioner draws our attention to the counter-affidavit filed on behalf of the respondent no. 12, i.e., the Comptroller and Auditor General of India and submits that the enclosed audit findings therein will reveal that during 2010-2016, the State of Sikkim, while organising around 44,834 draws of various lottery schemes had committed many lapses in the lottery operations of the State relating to monitoring, maintenance of records, deposit of revenues, failure to authenticate and ascertain prize payments by Marketing Agents (MAs), the draw process, failure to obtain details of prize winning tickets and unsold tickets from the MAs and absence of checks and controls on operation of lottery schemes. The learned advocate also referred to various portions of the report of the Comptroller and Auditor General of India for the year ending March, 2016, in respect of performance audit on Sikkim State lotteries.

While we have carefully perused the report containing the results of performance audit on Sikkim State lotteries, prepared by the Comptroller and Auditor General of India, we find that the period reflected therein, i.e., between 2010 till March, 2016, is not the period under judicial scrutiny so far as this Public Interest Litigation is concerned. The period with which we are concerned centres around the last agreement period between July, 2016 and July, 2021, which was entered into by the State of Sikkim and the private respondent no.3, for conducting lottery. During this period, as stated earlier, the State of Sikkim did not suffer any loss of revenue while lottery was being conducted by the private respondent no.3. As such, we have no hesitation in observing that Jojo Jose – who has instituted this Public Interest Litigation before this Court and who claims to be a resident of Siddhartha Enclave, Ashram, Ring Road, New Delhi – is none but a meddlesome busybody seeking this Court's intervention by filing the instant Public Interest Litigation for reasons which are clearly not bona fide.

For reasons stated above, the writ petition is liable to be dismissed and stands accordingly dismissed.

Interlocutory Application, being I.A. No. 04 of 2021, stands disposed of accordingly.