

HIGH COURT OF MADHYA PRADESH:
BENCH AT INDORE
W.P.No.15994/2018
(Digvijay Singh Bhandari Vs. Shri Nishant Warwade & Others)
Indore, Dated: 27.07.2018

Dr. Manohar Dalal, learned counsel for the petitioner.

Heard on I.A.No.3573/2018.

By the aforesaid application, the petitioner is seeking impleadment of respondent Nos.7 & 8 in this petition.

Keeping in view the reasons mentioned in the application, same is allowed.

Amendment be made in the cause-title.

The petitioner has filed the present petition in the nature of PIL seeking direction to the respondent No.1 to pay the GST @ 18% on complimentary tickets given for the four IPL matches held in Usha Raje Holkar Stadium, Indore. According to the petitioner, Kings XI Punjab took the Usha Raje Holkar Stadium from the Madhya Pradesh Cricket Association for the IPL matches held on 04, 06, 12 & 14th of May, 2018 @ Rs.3.00 crore per match on the basis of sitting capacity of the stadium. They distributed free passes of the matches worth of Rs.80.00 lac to the respondent Nos.1, 2 & 3. As per the decision of Authority For Advance Ruling (Madhya Pradesh Goods and Services Tax) the tickets given as “complimentary ticket” falls within the definition of Supply under GST Act, 2017 and the GST is liable to be paid on such free tickets. Since, the tickets were distributed to the respondent Nos.1 to 3 on complimentary bases without payment of GST, therefore, enquiry is liable to be conducted through CBI & GST is also

liable to be recovered from them.

The entire petition is based on the newspaper published in the local newspaper about distribution of free passed worth of Rs.60.00 lac to Collector. No other material has been produced in the present petition in support of the allegations.

The Apex Court in case of *B.Singh (Dr.) Vs. Union of India, reported in (2004) 3 SCC 369* has observed as under & dismissed the PIL:

“The petitioner nowhere has stated that he has any personal knowledge of the allegations made against respondent No.3. He does not even aver that he made any effort to find out whether the allegations have any basis. He only refers to the representation of Ram Sarup and some paper cuttings of news items. He has not indicated as to whether he was aware of the authenticity or otherwise of the news items. It is too much to attribute authenticity or credibility to any information or fact merely because, it found publication in a newspaper or journal or Magazine or any other form of communication, as though it is gospel truth. It needs no reiteration that newspaper reports per se do not constitute legally acceptable evidence ”

Recently, the Apex Court in case of *Mohd. Sahil Vs. Union of India & Others (Writ Petition(S) (Civil) No.1115/2017)* vide order dated 24.11.2017 has dismissed the public interest litigation which was filed on the basis of some newspaper reports. The aforesaid order is reproduced below:

“This petition is filed only on the basis of some newspapers reports which cannot be the basis for filing a Public Interest Litigation. Therefore, this petition is dismissed at this stage. However, if the petitioner collects some credible material he shall be entitled to approach the Court.

With the aforesaid observations, the writ petition is dismissed.”

The present petition is also based on the newspapers report, hence, same is not liable to be entertained and accordingly dismissed. However, liberty is granted to the petitioner that he can approach this Court if he collects some credible material in respect of the allegations made in the petition.

Petition is accordingly **dismissed**.

(VIVEK RUSIA)

Judge

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(ASHOK KUMAR JOSHI)

Judge

