

Item No. Court No. Section  
104 01 IIIA

S U P R E M E C O U R T O F I N D I A  
Record of Proceedings

ORIGINAL SUIT NO. 1 OF 2002@@  
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State of Sikkim & Anr. ... Plaintiff (s)

vs.

State of Punjab & Anr. ... Defendant (s)

(with appln.(s) for ex-parte stay and framing proposed issues and permission to place addl. documents on record and with office report)

Date:19/02/2003 This/These matter(s) was/were called on for hearing today.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE S.B. SINHA  
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For the Plaintiff (s): Mr. K K Venugopal, Sr. Adv.  
Mr. Sudhir Chandra Agrawal, Sr. Adv.  
Mr. S P Wangdi, Adv. Genl., Sikkim  
Mr. Brijender Chahar, Adv.  
Ms. Jyoti Chahar, Adv.  
Mr. Achintya Dwivedi, Adv.  
Mr. Ashok Mathur, Adv.

For the Defendant (s): Mr. P P Rao, Sr. Adv.  
Mr. Harbhagwan Singh, Adv. Genl., Pb.  
Mr. B S Sobti, Addl. Adv.Genl., Pb.  
Ms. Naresh Bakshi, Adv.

UPON hearing the counsel the Court made the following ORDER

I.A. No. 3 is allowed. Let the additional documents filed on behalf of the defendants be taken on record.

After hearing the learned senior counsel for the parties, the following issues are framed :

(1) Whether the activity of running on on-line lottery carried on by the plaintiffs is business

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or whether the same act is being done by the plaintiff in its constitutional capacity? OPP.

(2) Whether the present suit is maintainable under Article 131 of the Constitution of India or

is the plaint liable to be rejected under the Order XXIII Rule 6 of the Supreme Court Rules, 1966 for the reason that the on-line lottery carried on by the plaintiffs is a business ? OPP.

(3) Whether the lottery (in question) run by the plaintiffs is state organised lottery or whether it is for the Central Government alone to decide this issue under Section 6 of the Lotteries (Regulation) Act, 1998 ? OPP.

(4) Whether Rules 6A and 6B of the Punjab State Lottery Rules, 1999 are ultra vires and void ab-initio in the face of the Lotteries (Regulation) Act, 1998 ? OPP.

(5) Whether the defendant can make rules under Section 12 of the Lotteries (Regulation) Act, 1998 for the conduct of its own lotteries or to lay down rules for the conduct of lotteries of other States as well? OPP.

(6) Whether the defendants can restrain the plaintiffs from operating their on-line lotteries in the State of Punjab in the face of the State

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of Sikkim informing in writing that the on-line lottery is its State organised lottery? OPP.

(7) Whether the public notice dated 23.2.2002 (Document-G) and the communication of the defendant dated 16.4.2002 (Document-M) are illegal, ultra vires and unconstitutional in the face of the provisions of the Lotteries (Regulation) Act, 1998 and the Constitution of India? OPP.

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The plaintiffs are granted two weeks' time to file additional documents, if any.

Learned senior counsel appearing for the parties jointly state that no oral evidence excepting the documents which have already been filed and/or to be filed, is proposed to be led in the suit.

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(D.P. Walia)  
Court Master

(S. Krishnan)  
Court Master