16.04.2024
Court No. 15
Item No. 12
(**Suvendu**)

W.P.A. 16273 of 2009

Mahadeb Das
-Versus-
State of West Bengal & Ors.

Mr. Dilip Kumar Samanta
Mr. Biswapriya Samanta

...for the petitioner

Md. T.M. Siddiqui
Mr. Saptak Sanyal
........for the State respondents

In the writ petition the petitioner, being the recipient of first prize of a lottery named 133RD Bangasree Super, has challenged the steps taken by the concerned authority in deducting Rs. 9,45,000/- from the prize money towards Administrative Charges.

According to the petitioner, the prize money was Rs. 27 lakh and while releasing the same in favour of the petitioner, apart from deducting tax and surcharge and other charges as delineated against clauses (d) and (e) at page 26 of the writ petition, Rs. 9,45,000/- was also deducted. It has been contended that such deduction is impermissible in terms of the relevant provisions of the West Bengal State

Lottery Rules, 1968. Therefore, the petitioner has prayed for refund of Rs. 9,45,000/- at once.

The State respondents are represented by Md. Tale Mamud Siddiqui, learned Additional Government Pleader, who has opposed the prayer of the petitioner relating to refund of Rs. 9,45,000/- which was deducted from the prize money upon placing reliance on the order of the Hon'ble Division Bench dated 17th June, 2022 passed in an intra-court appeal being MAT 332 of 2018 (Shyam Sundar Mallik Vs. State of West Bengal & Ors.). It is submitted on behalf of the State respondents that the step taken by the respondent authorities while deducting 35% of prize money towards Administrative Charges finds support from the order of the Hon'ble Division Bench dated 17th June, 2022.

However, such contention has been refuted by the learned advocate representing the petitioner on the ground that the right of the petitioner accrues from the statutory provisions as contained in the West Bengal State Lottery Rules, 1968 and application of such Rules of 1968 was not the subject matter of consideration before the Hon'ble Division Bench.

Having considered the submissions made on behalf of the parties and on perusal of the relevant records, it appears that the lottery ticket namely 133RD Bangasree Super was issued in terms of the West Bengal State Lottery Rules, 1968, as it appears from page 25 of the writ petition.

However, this Court is not taking any decision finally in the issue since a clause is there in the ticket which empowers the Director of State Lotteries, Government of West Bengal to take final decision in the event of any dispute which also emanates from page 25 of the writ petition.

In view of aforesaid scenario, the Director of State Lotteries, Government of West Bengal is directed to decide the issue as to whether Administrative Charges to the extent of 35% of the prize money can be deducted while releasing the prize money in favour of the petitioner being the recipient of first prize in the aforesaid lottery if the authority is not empowered under the relevant statute.

The Director is directed to take a reasoned decision within a period of twelve weeks from the date of communication of this order after granting opportunity of hearing to the petitioner and any other concerned State authority or their representatives and the decision to be taken by the Director shall be communicated to the parties within seven days thereafter.

At the time of making deliberations, parties shall be at liberty to rely upon the relevant materials in support of their respective cases.

With the aforesaid observations and directions, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)