

**BEFORE JUSTICE VINEET SARAN
FORMER JUDGE, SUPREME COURT OF INDIA
OMBUDSMAN, THE BOARD OF CONTROL FOR CRICKET IN INDIA**

Reference No. 01/2024

In Re:

Notice of Appeal by CEO, BCCI emanating from a decision of the Match Referee in Match 56 of the Indian Premier League between Delhi Capitals and Rajasthan Royals in IPL 2024.

In the matter of:

Mr. Rishabh Pant
Captain, Delhi Capitals

... Appellant

APPEARANCE:

1. *Mr. Rishabh Pant, Delhi Capitals*
2. *Mr. Sourav Ganguly, Delhi Capitals*
3. *Mr. Ricky Ponting, Delhi Capitals*
4. *Mr. Sunil Gupta, Delhi Capitals*
5. *Mr. Hemang Amin, CEO, BCCI*
6. *Mr. Daniel Manohar, Match Referee*

ORDER

[Hearing held through Virtual Mode on 10.05.2024 at 06:00 PM]

1. The Present Appeal has been preferred by the Appellant against the decision of the Match Referee in Match 56 of the Indian Premier League (IPL) between Delhi Capitals and Rajasthan Royals in IPL 2024 whereby the Appellant has been fined INR 30 Lakhs and banned from playing next match of Delhi Capitals, and the remaining players in the team have been fined the lesser of: (i) INR 12 Lakhs; and (ii) 50% of Match Fee.
2. In accordance with the procedure stipulated in the IPL Code of Conduct for Players and Team Officials ("**Code of Conduct**"),



- the Appellant lodged a notice with the BCCI CEO to Appeal under Article 8.2.3 of the Code of Conduct. Pursuant to the said notice of Appeal, the BCCI CEO has referred the Appeal to the Ombudsman under the provisions in Article 8.2.3.1 of the Code of Conduct.
3. Mr. Rishabh Pant, Mr. Sourav Ganguly and Mr. Ricky Ponting have appeared on behalf of the Delhi Capitals along with Mr. Sunil Gupta, CEO of Delhi Capitals. Mr. Hemang Amin, BCCI CEO has appeared on behalf of BCCI. Mr. Daniel Manohar, the concerned Match Referee, has also appeared.
 4. The genesis of the present dispute arises out of the fact that each team in the IPL is allowed 85 minutes to complete its 20 overs i.e. each team is allocated 4.25 minutes per over to complete their 20 overs of the innings. In the match under consideration i.e. Match 56 (Delhi Capitals vs. Rajasthan Royals), the Delhi Capitals took 117.82 minutes to complete their 20 overs, which is in violation of the Minimum Over Rate requirements under the Code of Conduct. Accordingly, the Match Referee imposed sanction upon the Appellant and his Team under Clause 4.2.4 of Appendix -2 of the Code of Conduct, which stipulates that for the third and each subsequent offence by the Team in a Season, the Designated Captain will be fined Rs. 30 lakh and banned from playing in the next Match of the Team.
 5. The Appellant does not dispute the fact that this was the third occasion in the 2024 season where the Appellant and his Team were found to be in violation of the Minimum Over Rate Requirements under the Code of Conduct.

6. From the perusal of the Report of the Match Referee and the Allowance Sheet, it transpires and is not disputed, that the Appellant took 117.82 minutes in completing their 20 overs and considering the facts and other conditions, the Match Referee granted the Appellant an allowance of 26 minutes (*Automatic Allowance of 8 minutes and the Discretionary Allowance of 18 minutes*). However, in spite of the allowance granted by the Match Referee, the appellant has exceeded the permissible time limit by 6.82 minutes and thus was behind by 1.6047 overs (@ 4.25 minutes per over).
7. Mr. Sourav Ganguly, appearing for the Appellant, has submitted that during the course of the innings of Rajasthan Royals, 13 sixes were hit by their batters but the consequential Ball Retrieval Allowance of 0.30 minutes has only been granted on three (3) occasions to the Appellant. Further, it has been submitted that the 3.0 minutes allowance granted for the review of the dismissal of Mr. Sanju Samson (batter of Rajasthan Royals) was insufficient as Mr. Samson had protested, which consumed extra time, and the dismissal involved a review time of more than 3 minutes.
8. Mr. Ricky Ponting, also appearing for the Appellant has further submitted that owing to delivery of multiple wide deliveries towards the late end of the innings by the bowlers of the Delhi Capitals, there remained no time with the Appellant to compensate for the delay caused, as there remained no overs to help boost the over rate by the use of spinners. Mr. Ponting has also submitted that the Appellant, who is the Captain of the Delhi Capitals and is a wicket-keeper batsman, should not be

- held responsible for the delay caused by the bowlers in the match.
9. Mr. Rishabh Pant, the Appellant has submitted that the delay was also caused due to the fact that the match day in consideration was the hottest day in Delhi and thus the heat was a major contributing factor in the slow over rate. Mr. Pant has further submitted that the review involving the dismissal of Mr. Sanju Samson consumed approximately 5-6 minutes and thus the 3-minute allowances granted in lieu of the same is inadequate.
 10. Heard the Parties and perused the Record.
 11. The Appendix-2 of the Code of Conduct contains the stipulations as to the Minimum Over Rate Requirements and the related calculations and sanctions. A bare perusal of the said Appendix-2 of the Code of Conduct reveals that Clause 2 therein specifically provides for the situations [Clause 2(a) to 2(f)] for which adjustments should be made and allowances may be granted to the team vis-à-vis their over rate.
 12. The crux of the submissions of the Appellant revolves around the issue of 13 sixes hit by Rajasthan Royals and the dismissal of Mr. Samson, in context of both of which it has been submitted that adequate allowance has not been provided to the Appellant. However, the Appellant has not submitted any evidence from the record to substantiate their submissions. No statistical information has been submitted explaining exactly how much time was additionally consumed by the 13 sixes and in the review of the dismissal of Mr. Samson.

13. In context of the 13 sixes hit by Rajasthan Royals, it is informed by Mr. Hemang Amin, BCCI CEO that the Batters of Delhi Capitals also hit 12 sixes and yet the over rate of the Rajasthan Royals was maintained as per the Code of Conduct. He further submitted that Rajasthan Royals, who had played in the first inning, had completed their 20 overs inning in 102 minutes and the Match Referee granted the Rajasthan Royals an allowance of 18 minutes (*Automatic Allowance of 7 minutes and the Discretionary Allowance of 11 minutes*), and thus they completed their inning of 20 overs in 84 minutes, which was 1 minute less than the 85 minutes provided. He also screen shared the calculation chart in this regard.
14. When confronted with the question of evidence for their submissions, the Appellant submitted that since the Team is not provided the actual video footage of the Match, the Appellant is unable to provide the calculations as to the time which was consumed in ball retrieval and reviews, as well as other delays.
15. Mr. Hemang Amin, has contested the above submission made by the Appellant and informed that the entire video of the match is made available to the Team Video Analyst.
16. Mr. Hemang Amin also submitted that the IPL Code of Conduct does not provide for the Ombudsman to reduce or increase the sanction imposed by the Match Referee, which is as per the Code of Conduct, and it only gives the power to either confirm or overturn the decision of the Match Referee.
17. During the Course of the Arguments, the Appellant has only advanced oral submissions and has failed to even file Written

Submissions, for which liberty was specifically granted vide Notice dated 09.05.2024. The Appellant has further failed to provide any evidence/calculation as to how the discretionary allowance granted by the Match Referee is inadequate or insufficient. No evidence has been led by the Appellant to prove that the match day was the hottest day in Delhi. Further, it is a matter of common knowledge that the heat would certainly be on the lower side in the second inning, as compared to the first inning, in an evening match that begins from 07:30 PM. Thus, in view of the fact that the Appellant bowled second in the match and have also failed to provide any evidence of the excessive heat on that day, the submission with respect to the delay caused due to heat is not liable to be accepted.

18. The contention of the Appellant that the delay was also caused because of several wide balls having been bowled, also does not benefit the Appellant as the same was caused by their bowlers for which the Appellant cannot claim any benefit.
19. In context of the submission of the Appellant with respect to the non-allowance for 13 sixes and review by Mr. Samson, the Appellant has again failed to provide any evidence to demonstrate exactly how much extra time was consumed in both these situations and precisely how much more concession ought to have been granted to the Appellant. The Appellant has only made oral conjectural submissions stating that inadequate allowance has been granted to the Appellant, without substantiating their submission with evidence. It has merely been stated that it is a matter of common knowledge that when the ball reaches the crowd in the stands, substantial time is consumed to retrieve the same.

20. It is also a matter of common knowledge that all 13 sixes of the batters of Rajasthan Royals would not necessarily reach the stands in a manner requiring ball retrieval allowance by the Match Referee. Benefit for the same has admittedly been given by the Match Referee on 3 such occasions, and in the absence of any data having been provided as to in how many more cases the ball reached the crowd in the stands when hit for a six, the contention of the Appellant for more time to be granted on this count is not worthy of acceptance.
21. With respect to the review time consumed in the dismissal of Mr. Samson, the Appellant has yet again made only oral submission in this regard, without demonstrating from official match documents/ or internal records of Delhi Capitals itself, that how much more time was consumed in the incident.
22. Thus, in the absence of any evidence in support of their submissions, the Appellant has failed to make out a case for interference in the sanction imposed by the Match Referee.
23. The power of the Ombudsman to amend (i.e. increase or decrease) the sanction of the Match Referee under Article 2.22 is not provided under the Code of Conduct. Such power may be provided for other cases, but is explicitly excluded for offence under Article 2.22 of the Code of Conduct.
24. Thus, the decision of the Match Referee can only be overturned (on appropriate evidence being placed) and no concession by way of reduction of sanction can be allowed, if the case for

- complete reversal of the decision of the Match Referee is not made out.
25. Lastly, mercy has been pleaded by the Appellant, in as much as it has been submitted that the Delhi Capitals are at a crucial juncture in the IPL 2024 and the sanction by the Match Referee can jeopardize their qualification chances for the play-offs of the IPL.
26. Notwithstanding the mercy appeal of the appellant, the Ombudsman, BCCI having no equity jurisdiction under the IPL Code of Conduct, interference can only be made if it is established by the Appellant, on the balance of probabilities, that the shortfall was due to factors beyond his control and that the time allowances permitted by the Match Officials in calculating the required over rate was not sufficient. In the present case, the Appellant has failed to establish the same and thus the order of the Match Referee is not liable to be interfered with.
27. Accordingly, the Appeal of the Appellant stands Dismissed.



**[JUSTICE VINEET SARAN]
OMBUDSMAN, BCCI**

Date: 11.05.2024