BEFORE JUSTICE ARUN KUMAR MISHRA
FORMER JUDGE, SUPREME COURT OF INDIA

OMBUDSMAN,
THE BOARD OF CONTROL FOR CRICKET IN INDIA

Reference No.1/2025

(Arising out of Inquiry Report dated 06/01/2021 filed by Ravindra K. Doiphode, Sr. Investigation Officer, forwarded to Ombudsman, BCCI, by Head Anti-Corruption Unit, BCCI)

In the matter of :

Gurmeet Singh Bhamrah .... **Respondent**
Owner of Team SoBo Supersonics
Email: gurmeetgt20@gmail.com

ORDER

The present case relates to the second season of the Mumbai T20 League (hereinafter, the MT20 league), organized by the Mumbai Cricket Association. After the launch of the league in 2018, the second season/edition was played in 2019. Investigation by BCCI's Anti-Corruption Bureau (hereinafter, the ACB) under BCCI's Anti-Corruption Code (hereinafter, the Code) led to Inquiry Report being filed before the Ombudsman, which culminated into the respondent's provisional suspension under Article 4 of the Code.

2. Vide the previous order dated 19.03.2025, Charge under Articles 2.1.3, 2.1.4, 2.4.1, 2.5.1, and 2.5.2. framed against the respondent was upheld and provisional suspension was directed as aforesaid. Respondent was directed to show cause as to why appropriate sanctions provided for under Article 5 be not imposed upon him. But despite this opportunity, no reply has been filed by respondent.

3. Having perused the provisions of the Code and the material on record, including the Inquiry Report and Respondent's earlier reply to the framing of the charge, it is entirely appropriate that a final order under Article 5 be passed.

4. Article 5 of the Code requires that the aggravating and mitigating circumstances be considered before sanctions are imposed. The Article mentions eight aggravating circumstances and ten mitigating circumstances. Neither of the two lists mentioned therein is exhaustive. Article 5.1 is extracted hereunder:

> **"ARTICLE 5: SANCTIONS**
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> **5.1** Where a breach of the Anti-Corruption Code is admitted by the Participant or upheld by the Ombudsman, the Ombudsman will be required to impose an appropriate sanction upon the Participant from the range of permissible sanctions described in Article 5.2. In order to determine the appropriate sanction that is to be imposed in each case, the Ombudsman must first determine the relative seriousness of the offence, including identifying all relevant factors that it deems to:
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> 5.1.1 aggravate the nature of the offence, including (without limitation):
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> 5.1.1.1 a lack of remorse on the part of the Participant;
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> 5.1.1.2 the Participant's bad previous disciplinary record (including where the Participant has been found guilty of another offence under the Anti-Corruption Code and/or any predecessor regulations of the BCCI and/or any anti-corruption rules of any National Cricket Federation;
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> 5.1.1.3 where the amount of any profits, winnings or other Reward directly or indirectly received by the Participant as a result of offence(s) is

substantial and/or where the sums of money otherwise involved in the offence(s) were substantial;

5.1.1.4 where the offence substantially damaged (or had the potential to damage substantially) the commercial value and/or interest in the relevant Match(es);

5.1.1.5 where the offence affected (or had the potential to affect) the result of the relevant Match(es);

5.1.1.6 where the welfare of a Participant or any other person has been endangered as a result of the offence;

5.1.1.7 where the offence involved more than one Participant; and/or

5.1.1.8 any other aggravating factor(s) that the Ombudsman considers relevant and appropriate.

5.1.2 mitigate the nature of the offence, including (without limitation):

5.1.2.1 any admission of guilt (the mitigating value of which may depend upon its timing);

5.1.2.2 the Participant's good previous disciplinary record;

5.1.2.3 the youth and/or lack of experience of the Participant;

5.1.2.4 where the Participant renounced the attempt or agreement prior to it being discovered by a third party not involved in the attempt or agreement;

5.1.2.5 where the Participant has cooperated with the ACU BCCI and any investigation or Demand carried out by it;

5.1.2.6 where the offence did not substantially damage (or have the potential to substantially damage) the commercial value, integrity of results and/or the public interest in the relevant Match(es);

5.1.2.7 where the offence did not affect (or have the potential to affect) the result of the relevant Match(es);

5.1.2.8 where the Participant provides Substantial Assistance to the BCCI, ICC, and other National Cricket Federation, a criminal authority, or a professional disciplinary body;

5.1.2.9 where the Participant has already suffered under other laws and/or regulations for the same offence; and/or

5.1.2.10 any other mitigating factor(s) that the Ombudsman considers relevant and appropriate."

5. The facts of the case clearly establish that in so far as the respondent is concerned, it is immaterial that the player i.e. Bhavin Thakkar refused to be a part of the offence. Respondent's culpability stems from his intention and offer to a cricket player to deliberately under perform in the given cricket match. The said offer was communicated via respondent's close aid, who was entirely acting at respondent's behest. Respondent's actions thus certainly had a huge potential to substantially damage the commercial value/interest in the match and equally had the potential to affect the match result.

6. Respondent's lack of remorse is evident from the fact that despite due opportunity, he has not filed any response qua proposed sanctions under Article 5 of the Code. Far from being remorseful, respondent has claimed victimization in his earlier reply, but has offered no evidence in support of such a claim.

7. In his earlier reply, Respondent also claimed that since the Inquiry Report itself mentions that the match result was not affected, no offence can be said to have been committed by the respondent. This is a wholly misconceived argument. The provisions of the Code do not require that sanctions under Article 5, or for that matter even under Article 4, can be imposed only when the commercial value or interest in a match, or the result of a match, actually gets affected. A bare reading of the provisions of Article 5 makes it clear that it is sufficient if the offending act had the potential to affect the commercial value or interest or the result of a given match. In fact, Articles 2.5.1 and 2.5.2 of the Code expressly make attempt cognizable and punishable.

8. In his earlier reply, respondent also claimed that he has been under a *de facto* suspension. No further explanation or evidence has come forth qua this. Even if it is assumed that over the years BCCI or any other Cricket Association in the country refused to do any business with the respondent, no benefit can accrue to the respondent under Article 5 of the Code. This is because it may be entirely appropriate for Cricket Associations not to associate themselves with persons of dubious integrity. In any case, no evidence has been offered to prove that respondent has suffered due to any unfair treatment at the hands of any Cricket Association.

9. Under the circumstances of the case, no other mitigating factor, as mentioned in Article 5 of the Code can be said to exist in favour of the respondent.

10. Article 5.2 of the Code provides for a range of permissible period of ineligibility once an offence under the Code is held to be proved. Article 5.2 is set out hereunder:

> "**5.2** Having considered all the factors in Article 5.1.1 and 5.1.2, the Ombudsman shall then determine, in accordance with the following table, what the appropriate sanction(s) should be:

ANTI-CORRUPTION CODE OFFENCE	***RANGE OF PERMISSIBLE PERIOD OF INELIGIBILITY***	***ADDITIONAL DISCRETION IMPOSE A FINE***
Articles 2.1.1, 2.1.2, 2.1.3 or 2.1.4 (Corruption)	A minimum of five (5) years and a maximum of a lifetime.	AND, IN ALL CASES: the Ombudsman shall have the discretion to impose a fine on the Participant up to a maximum of the value of any Reward received by the Participant directly or indirectly, out of, or in relation to, the offence committed under this Anti-Corruption Code.
Articles 2.2.1 or 2.2.2 (Betting)	A minimum of one (1) year and a maximum of five (5) years.	
Articles 2.3.1 or 2.3.3 (as it relates to an offence under Article 2.3.1) (Misuse of inside information)	A minimum of one (1) year and a maximum of five (5) years.	
Articles 2.3.2 or 2.3.3 (as it relates to an offence under Article 2.3.3) (Misuse of inside information)	A minimum of six (6) months and a maximum of five (5) years.	
Articles 2.4.1 to 2.4.6, inclusive (General)	A minimum of six (6) months and a maximum of five (5) years.	
Articles 2.4.7 to 2.4.9 inclusive (General)	Any period up to a maximum of five (5) years.	

11. The game of cricket is a very popular sport in India, with a huge fan following. It has a large viewership, both in attendance at cricket stadiums across the country when the matches are being played and at satellite/electronic live streaming of the matches. Over years, with the advent and development of league cricket, the commercial value in the game has increased manifold. Insofar as it leads to betterment of the playing conditions, betterment in the quality and standards of the game, and betterment of the facilities for the viewers of the game, it is a welcome development. It is a generally held belief that league cricket has also led to an increase in opportunities for the sportsmen/players. It is thus necessary to preserve the spirit of the game and the integrity of the participants in the game, including that of team owners in league cricket. People at large legitimately expect fair play at sporting events. They expect commercial integrity of the participants. Further, league cricket is organized in such a manner that there is mobility of players between different teams in different seasons/editions of a particular league, in that the players of a given team are chosen for any given defined or fixed period, after which auction/bidding process amongst team-owners participating in the league may send a given player to a team different from the one for which he played in a previous season/edition. There are complaints of *betting/satta* in cricket; the popularity of game is at stake in case the matches are fixed. Any attempt towards fixing deserves to be dealt with severely.

12. In fact, the same phenomenon can be seen in the record of this case as well. Bhavin Thakkar played for the team owned by the respondent in the first edition of the MT20 league. In the second season, he played for a different team. This is how both the respondent and his close aide initially came in contact with Bhavin Thakkar. Player/sportsman mobility necessarily means that any given player would potentially come into close contact not only with several different sportsmen but also with several different team owners, who may legitimately have competing business interests. Thus, actions amounting to corruption in cricket must be dealt with strictly.

13. The actions of the respondent had the potential to put all of this into disrepute. It must, therefore, be dealt with accordingly. There is no place for participants like the respondent in this case in the game of cricket in India. Further, the ACB's inquiry report mentions that the respondent also has commercial interests in cricket in other countries. In fact, the respondent's corrupt offer to Bhavin Thakkar in this case, communicated via the respondent's close aide, expressly mentioned monetary and other rewards, in such other international cricket leagues in exchange for an acceptance of the corrupt offer.

14. In view of the above, and having considered the various aspects of this case, it is directed that respondent shall suffer ineligibility for a period of "lifetime" for the charge under Articles 2.1.3 and 2.1.4. Further, he shall also suffer ineligibility for a period of five years for the charge under Article 2.4.1 read with Articles 2.5.1 and 2.5.2. Both the periods shall run concurrently.

15. Articles 5.5 and 5.6 of the code provide for the consequences that shall follow upon a finding of ineligibility. Both these Articles are extracted hereunder:

> **"5.5** No Participant who has been declared Ineligible may, during the period of Ineligibility, play, coach, officiate or otherwise participate or be involved in any capacity in any Match or any other kind of function, event or activity (other than authorized anti-corruption education or rehabilitation programmes) that is authorized, organized, sanctioned, recognized or supported in any way by the BCCI, the ICC, a National Cricket Federation, a Member Cricket Association, any member of a Member Cricket Association, any IPL Team or any member of a National Cricket Federation or receive accreditation to provide media or otherwise services at any official venue or Match. The ICC, other National Cricket Federations, other Member Cricket Associations and the IPL Teams shall take all reasonable steps within their powers to give effect to this Article 5.5 to the extent that they have the jurisdiction, power or ability to do so.
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> **5.6** A Participant who is subject to a period of Ineligibility shall remain subject to this Anti-Corruption Code, the ICC Anti-Corruption Code and the anti-corruption rules of

all other National Cricket Federations, during that period. If a Participant commits Corrupt Conduct during a period of Ineligibility, this shall be treated as a separate offence and new proceedings will be brought pursuant to Article 4.5 of this Anti-Corruption Code."

It is clarified that all the above consequences shall also follow and be applicable to the respondent.

15. Let a copy of this order be communicated to the respondent, the BCCI, and all concerned.

Date: 18.04.2025.

[JUSTICE ARUN MISHRA]
Ombudsman, BCCI