BEFORE FORMER CHIEF JUSTICE V.K.TAHILRAMANI
ETHICS OFFICER-CUM-OMBUDSMAN,
MUMBAI CRICKET ASSOCIATION, MUMBAI

COMPLAINT NO. 2 OF 2022

In Re:
Complaint Dated 5.1.2022
Shahalam Shaikh
Age 47 years,
Residing at Regency Park,
B-414, Plot No.2,
Sector 5, Near Ustav Chowk,
Kharghar Navi Mumbai, Raigad
Maharashtra ... Complainant

Vs.

NONE ... Respondent

ORDER
(28.1.2022)

1. The complainant-Shahalam Shaikh has filed this complaint on 5.1.2022.

2. On perusal of the said complaint, it shows that there is no mention of the name and other details of the Respondent, so also, the identification proof of the complainant is also not annexed to the said complaint. Therefore, the complaint is not filed as per the Practice Direction dated 5.4.2021 for filing the complaints before the Ethics Officer-cum-Ombudsman, which is available on the website of the Mumbai Cricket Association (for short "MCA").

3. Be that as it may, the said complaint is numbered as Complaint No.2 of 2022.

4. The grievance of the complainant in the complaint is that certain complaint was filed against him and the said complaint seeks to hinge upon certain order passed in the complaint against Mr. Unmesh Khanvilkar. The complaint further states that the President of the MCA is likely to take a decision against the complainant on the emails of Mr. Achrekar who is continuously addressing emails to the President and therefore, the Apex Council has proposed to convene an emergency meeting on 5th January, 2022 which is contrary to the governing provisions and rules of natural justice, therefore, the complainant apprehended that an adverse decision would be taken in the said meeting against the complainant without following due procedure. The complainant has therefore, prayed that the Apex Council of the MCA be restrained from in any manner holding emergency meeting or the Apex Council of the MCA be restrained from in any manner passing any decision or resolution thereon and or acting upon any such resolution.

5. By email dated 25.1.2022 sent by Advocate Nikita Jacob on behalf of the complainant, additional affidavit of the complainant dated 25th January, 2022, Vakalatnama on behalf of the complainant mentioning the title of the complaint as Shahalam Shaikh Jt. Secretary of MCA Vs. (1) Mumbai Cricket Association (MCA) and (2) Vijay D. Patil, President of the MCA, which are not mentioned in the original complaint dated 5th January, 2022, Aadhar Card of the complainant and order dated 18th January, 2022 passed by the Hon'ble High Court in Original Side W.P. (L) No. 940 of 2022 were sent to the office of the Ethics Officer-cum-Ombudsman.

6. On perusal of the said additional affidavit dated 25th January, 2022, it is stated in para 3 therein that a meeting was convened on 5th January, 2022 and in the said meeting a decision was taken directing the complainant to desist himself from exercising his duties as a Joint Secretary of the MCA. It is further stated in para 3 of the said additional affidavit that being aggrieved by the said decision of the Apex Council, the complainant has preferred Writ Petition (O.S.) (L) No.940 of 2022 before the Hon'ble High Court Bombay. By order dated 18th January, 2022 the High Court of Bombay kept the said Writ Petition on 1st February, 2022.

7. In view of the above facts, the cause of action as stated in the complaint, does not survive today as the decision was already taken by the Apex Council in the meeting on 5th January, 2022 which was acted upon, therefore, today the question of passing any order for staying the meeting dated 5th January, 2022 does not arise. Moreover, a Writ Petition has already been filed by the complainant before the Hon'ble High Court of Bombay challenging the said decision of the Apex Council dated 5th January, 2022. The said writ petition is pending before the High Court of Bombay.

8. In this view of the matter, the complaint does not survive and is disposed of accordingly.

[V.K.TAHILRAMANI]
FORMER CHIEF JUSTICE,
ETHICS OFFICER-CUM-OMBUDSMAN,
MUMBAI CRICKET ASSOCIATION, MUMBAI