

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

COMPLAINT NO. 4 OF 2021

In Re:

MIG Cricket Club,	]	
MIG Colony, Bandra (East)	]	
Mumbai-400051	]	
Email- id: mig@migcricketclub.org	]	... Complainant

Vs.

Mumbai Cricket Association	]	
An Association duly registered	]	
Under Societies Act, 1860 and	]	
Bombay Public Trust Act, 1950,	]	
Having its registered Office at	]	
Cricket Centre, Wankhede Stadium	]	
"D" Road, Churchgate, Mumbai-	]	
400020, Email Id:	]	
: mcacrik@mumbaicricket.com	]	... Respondent

**ORDER**  
**( 08.11.2021)**

1. Advocate Mr. Yashodhan Divekar a/w Advocate Chaitanya Rane i/b M/s. Divekar & Co. appears for the complainant and has tendered Vakalatnama for the Complainant. Mr. Sanjeev Patki Chairman of the Complainant-MIG Cricket Club and Mr. Shrikant Shetty, Honorary Secretary of the MIG Cricket Club are present on behalf of the Complainant.
2. Heard the learned advocate appearing for the Complainant.
3. Perused the Complaint dated 27.07.2021 filed by the Complainant-MIG Cricket Club against the Respondent No.1-

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Mumbai Cricket Association (for short "MCA"). The Complainant-MIG Cricket Club was established in 1930 and is a permanent member of the Board of Control for Cricket in India (for short "BCCI").

4. The case of the Complainant is that the Complainant took over a Club known as Friends Sports Club (for short "FSC") in January 1992 and at that time, Mr. Pravin Barve was Hon. General Secretary of the Complainant. In July 1998, Parel Sporting Club (for short "PSC") has been taken over by the Complainant and Mr. Pravin Barve signed necessary documents in his capacity as Hon. General Secretary in respect of the same. In July 2008, a new managing committee took over the charge and Mr. Pravin Barve was displaced from the post of Hon. General Secretary. It had come to the notice that Mr. Pravin Barve being the Hon. General Secretary and nominee of the Complainant in respect of FSC and PSC, took undue advantage and made various gains and acquired various benefits without passing on the same to the Complainant. Mr. Pravin Barve tried to take a stand that he is the owner of the said two clubs i.e. FSC and PSC in his individual capacity.

5. The Complainant wrote a letter dated 19.1.2009 to the Respondent informing that the Complainant was owner of FSC and PSC. By letter dated 1.6.2009 Mr. Manohar Salunke of PSC informed the complainant that he has entered into an Agreement with Mr. Pravin Barve as Secretary of the Complainant and not in his personal capacity. Mr. Pravin Barve continued to make representations to the Respondent claiming ownership of PSC and FSC. The Respondent-MCA by its letter dated 10.3.2011 which was addressed to the complainant and marked to Mr. Pravin Barve, had informed that the complainant is entitled to the benefits of PSC

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and FSC. The respondent also informed by its letter dated 13.3.2011 to Mr. Pravin Barve that the President has directed to inform that the decision of the legal Committee be accepted and implemented in respect of PSC and FSC.

6. Mr. Pravin Barve filed a SC Suit No. 697 of 2011 in the Bombay City Civil Court for declaration and injunction challenging the aforesaid communications issued by the respondent. However, the complainant was not joined in the said suit by Mr. Pravin Barve, therefore, on intervention by the complainant, the complainant was joined and added in the said suit as defendant no.2.

7. Mr. Pravin Barve had taken out Notice of Motion No. 665 of 2011 in the said suit for grant of interim reliefs of temporary injunction against the respondent, however, by order dated 22.7.2011 the said Notice of Motion was dismissed by the Bombay City Civil Court, observing that "thus, the documents produced on behalf of the respondent clearly indicate that Parel Sports Club was owned and managed on behalf of the MIG Cricket Club". The Bombay City Civil Court also further observed that "there is evidence at this stage to indicate that Friends Sports Club was purchased by the complainant in his capacity as Hon. General Secretary of MIG Cricket Club."

8. Being aggrieved by the said order, Mr. Pravin Barve filed Appeal From Order bearing A.O. No. 1020 of 2011 before the Hon'ble Bombay High Court. The said A.O. was also dismissed by order dated 1.8.2012 by Hon'ble High Court of Bombay observing therein that "prima facie inference drawn by the Bombay City Civil Court as regards the ownership of the two clubs, cannot be faulted with".

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9. It is further averred in the complaint that the Respondent is also denying the benefits in respect of Star Cricket Club, Bandra (East) (for short "SCC") which is not the subject matter in the SC Suit pending before the Bombay City Civil Court.

10. The learned counsel for the Complainant submitted that the respondent-MCA in its communication dated 10<sup>th</sup> March, 2011 to the Complainant has categorically stated that "all subsidiary clubs of the MIG have independent existence in the form of affiliation with the MCA and no individual person can own the club as contended by Mr. Pravin Barve". In view of this communication, MCA should have released the pending benefits.

11. It was prayed in the complaint that order be passed directing the Respondent to grant the pending benefits in respect of the three Clubs i.e. PSC, FSC and SCC.

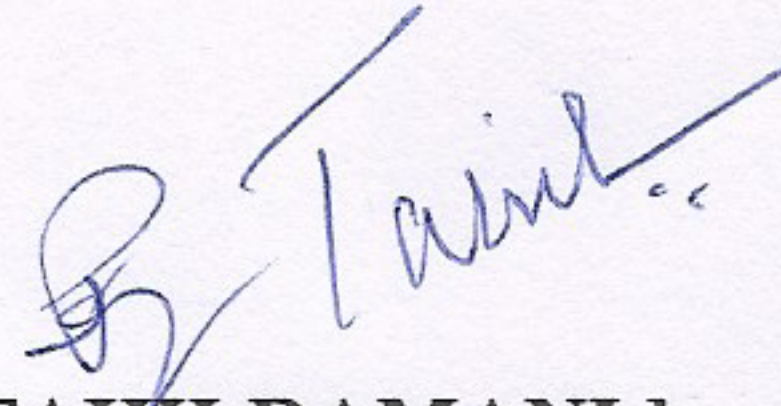
12. It is informed that the SC Suit No. 697 of 2011 is still pending before the City Civil Court at Bombay and it is at the stage of recording of evidence. Since the said suit is pending and the rights of the parties are to be decided by the City Civil Court at Bombay, at present, it would not be proper to grant the pending benefits to Parel Sporting Club and Friends Sports Club. This is especially so, as if the suit is decided in favour of Mr. Pravin Barve it would be extremely difficult for MCA to recover the money disbursed to PSC and FSC.

13. In view of the above facts, it is not possible at this stage to grant the prayers of the Complainant in relation to PSC & FSC.

14. So far as the grievance of the Complainant in respect of Star Cricket Club i.e. SCC, the Complainant can file a separate Complaint. 



15. In view of the above facts it is not possible at this stage to grant the prayers of the Complainant in relation to PSC and FSC. The Complaint is closed.



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