

From: Committee of Administrators <coa@bccci.tv>
Sent: 17 August 2019 17:59
To: Mumbai Cricket Association
Cc: vcshukla.adv@gmail.com; Rahul Johri
Subject: Re: 1. Status of Compliance 2. Appointment of Electoral Officer

Dear Sirs,

We refer to your email dated 13th August 2019, wherein it has been communicated to the Committee of Administrators that the nomination of Shri. Avinash Sanas (as Electoral and Returning Officer), Shri. Atul Jadhav (as Assistant Electoral and Returning Officer) and Shri. Jagdish More (as Assistant Electoral and Returning Officer) by the State Election Commission for the conduct of elections of Mumbai Cricket Association (“MCA”) is in accordance with Rule No. 33 of the Registered MCA Constitution.

We would like to clarify that the constitution approved by COA vide email dated 2nd August 2019 is not the registered constitution and the Committee of Administrators is still awaiting a registered copy of the approved MCA Constitution, as already referred to in the said email.

Please note that the Committee of Administrators had issued directions dated 25th July 2019 (“**Directions**”) on appointment of electoral officers by the member associations, which were also separately communicated to all the member associations of BCCI vide email dated 29th July 2019. Vide email dated August 2nd 2019, MCA was again requested to appoint the electoral officer in accordance with the said Directions. According to the Directions, every member association is required to appoint electoral officer in accordance with the requirements provided in the Directions, and for the purpose of conducting first election by the member associations.

Further, without prejudice to what is mentioned here-in-below, Rule 33 of the draft MCA Constitution provides that “... *the Apex Council shall appoint an Electoral Officer, who shall be a former State Election Commissioner. **In the event of such a person not being available**, any appropriate officer from the state election commission nominated by the present state election commissioner shall be appointed as electoral officer...*” (emphasis supplied). Accordingly, nomination by present state election commissioner of any appropriate person from the state election commission may only be resorted to in the event that a former state election commissioner or any other eligible officer as per the Directions is not available. However, the MCA did not approach the Committee of Administrators regarding unavailability of such eligible officers for appointment as electoral officers or sought assistance of Committee of Administrators in relation to such appointment, as deliberated in the mediation meetings with the Learned Amicus.

In light of the aforesaid, you are again requested to appoint electoral officer in accordance with the Directions. Additionally, in view thereof, we note that there are no reasons to consider your request for grant of extension sought vide email dated 13th August 2019. In the event that MCA is unable to find suitable electoral officer, as required in the Directions, MCA may seek assistance of the Committee of Administrators.

Further, you are hereby additionally requested to amend the existing constitution in the following manner:

Existing Constitution	Proposed Amendment
<p>Rule 33(1)</p> <p>At least four weeks prior to the Annual General Meeting at which an election is to be held, the Apex Council shall appoint an Electoral Officer, who shall be a former State Election Commissioner. <u>In the event of such a person not being available, any appropriate officer from the state election commission nominated by the present state election commissioner shall be appointed as electoral officer.</u> It is further provided that until the Apex council is formed, the Chief Executive Officer is authorised to get the above officer appointed as the Electoral Officer.</p>	<p>Rule 33(1)</p> <p>At least four weeks prior to the Annual General Meeting at which an election is to be held, the Apex Council shall appoint an Electoral Officer, who shall be a former State Election Commissioner. It is further provided that until the Apex council is formed, the Chief Executive Officer is authorised to get the above officer appointed as the Electoral Officer.</p>

Pursuant to the above, you are requested to incorporate the aforesaid amendment accurately in the constitution. Once the above correction is carried out, you are requested to register the corrected constitution of the MCA with the appropriate authority and thereafter submit a copy of the registered constitution to the Committee of Administrators.

Thanking you.

Yours faithfully,

The Supreme Court Appointed Committee of Administrators