

Mumbai Cricket Association

From: Committee of Administrators <coa@bccci.tv>
Sent: 18 September 2019 19:55
To: Mumbai Cricket Association
Cc: Rahul Johri
Subject: RE: Way Forward

Dear Sirs,

This has reference to your email and letter, both dated 12th September 2019 as well as your email dated 16th September 2019.

1. You are well aware that the Hon'ble Supreme Court in its judgment dated 9th August 2018 ("**Judgment**") whilst approving the draft constitution of the BCCI and directing the Registrar of Societies to register the approved constitution of the BCCI, also directed the state associations to undertake registration of their constitution on similar lines within 30 days thereafter. The Judgment also required each state association to furnish a compliance certificate to the Committee of Administrators so that Committee of Administrators could file a status report before the Hon'ble Supreme Court with reference to the compliance undertaken by the state associations.

2. The BCCI Constitution was registered on 21st August 2018 and also communicated to all state associations on the very same day along with the format of the compliance certificate. In view thereof, the state associations were bound to carry out amendments to their respective constitutions and undertake registration of the same on similar lines to that of the BCCI within 30 days from 21st August 2018 and submit a compliance certificate to the Committee of Administrators. The Judgment does not leave any room for the state associations, including the Mumbai Cricket Association ("**MCA**") to either accept or reject the changes mandated in the respective state association constitutions by the Judgment.

3. The Committee of Administrators of the MCA appointed by the Hon'ble Bombay High Court ("**MCA COA**") had submitted a registered copy of the constitution of the MCA and demitted office. Upon scrutinizing the said registered constitution of the MCA, the Committee of Administrators suggested one change in order to make the same fully compliant with the Judgment. Even though the Hon'ble Bombay High Court subsequently appointed an adhoc managing committee of the MCA ("**Adhoc Committee**") on 6th November 2018, the MCA did not carry out the aforementioned change suggested by the Committee of Administrators but approached the Ld. Amicus/ Mediator appointed by the Hon'ble Supreme Court in terms of the order dated 14th March 2019 seeking to make various changes to the registered constitution of the MCA. On 24th April 2019, in pursuance of the directions given by the Hon'ble Supreme Court, the Ld. Amicus/ Mediator along with the Committee of Administrators met certain representatives of the MCA. After extensive discussions and mediatory efforts of the Ld. Amicus/ Mediator, certain changes to the registered constitution of the MCA were in-principle agreed during the said meeting.

4. Pursuant to the aforesaid meeting, the MCA submitted a revised draft constitution for approval. However, on perusing the said draft, the Committee of Administrators found that the same was not as per what was agreed. Further correspondence was exchanged in this regard before the MCA ultimately submitted a draft constitution on 28th August 2019, which was found by the Committee of Administrators to be in compliance with the Judgment. Although this was communicated by the Committee of Administrators to the MCA on 1st September 2019, till date the

Committee of Administrators has not received a registered copy of the said constitution. On the contrary, the MCA has maintained that the changes that have been made to its constitution in order to be compliant with the Judgment are “without prejudice” to the interlocutory application that has been filed on behalf of the MCA before the Hon’ble Supreme Court. Accordingly, the MCA has, in effect, still not complied with the Judgment.

5. In the meantime, the Ld. Amicus/ Mediator submitted his report to the Hon’ble Supreme Court on 9th May 2019. Thereafter, on 21st May 2019, the Committee of Administrators, in consultation with the Ld. Amicus/ Mediator, issued the Timelines and Proposed Actions for conducting the elections of BCCI (“**Timelines**”) and published it on the website of the BCCI. As per the Timelines, the state associations were required to appoint Electoral Officer by 1st July 2019 and were required to complete the election latest by 14th September, 2019.

6. In order to adhere to the Timelines and to assist the state associations by providing guidance in the process of state association elections the BCCI appointed its Electoral Officer much in advance on 7th June 2019. On 16th August 2019, the Electoral Officer of the BCCI has issued Rules of Procedure for the BCCI Elections and, on 28th August 2019, issued Advisory on State Association Elections.

7. The MCA, vide its email dated 5th September 2019 addressed to the Committee of Administrators, claimed to have appointed Shri D. N. Chaudhari as electoral officer to conduct election of the MCA. The said intimation is subsequently belied by the letter dated 11th September 2019 addressed by Shri D. N. Chaudhari to the MCA, wherein he has made it clear that he has not given his consent for said the appointment.

8. The Committee of Administrators has perused the letter dated 11th September 2019 addressed by Shri D. N. Chaudhari to the Mumbai Cricket Association (“**MCA**”) and respectfully disagrees with the views expressed by him therein, which appear to be based on perusal of certain extracts of the orders of the Hon’ble Supreme Court and proceed on the incorrect basis that the direction against holding elections contained in the order dated 5th July 2018 passed by the Hon’ble Supreme Court is still in force. This is not the case. In any event, various State Associations across the country have subsequently conducted their elections with the approval of the Committee of Administrators and have not been found to have committed contempt of the Hon’ble Supreme Court.

9. In order to give a final opportunity to the state associations to participate in the BCCI election process the Committee of Administrators, the Committee of Administrators vide their direction issued on 6th September 2019, extended the deadline for completion of elections of state associations from 14th September 2019 to 28th September 2019 whilst also advising all state associations who have not already (a) submitted their amended constitutions for approval to the Committee of Administrators; and/or (b) appointed electoral officer for conducting the elections; and/or (c) issued the notice for conduct of elections, required to complete all of the aforesaid on or before 12th September 2019.

10. With reference to your email dated 16th September 2019 requesting the Committee of Administrators to suggest a way forward for the MCA to proceed with holding of elections at the earliest, your attention is once again drawn to the Directions dated 25th July 2019 issued by the Committee of Administrators on appointment of Electoral Officer (“**Directions**”). Since Shri D. N. Chaudhari has not given his consent to act as Electoral Officer, the MCA may consider some other person for appointment as Electoral Officer in accordance with the Directions.

11. The MCA is once again advised to immediately comply with the Judgment and subsequent directions issued by the Committee of Administrators in relation to elections in State Associations in order to ensure that MCA can participate in BCCI elections.

Thanking you.

Yours faithfully,
The Supreme Court Appointed Committee of Administrators