

Mumbai Cricket Association

From: Mumbai Cricket Association <mcacrik@mumbaicricket.com>
Sent: 23 September 2019 19:12
To: vcshukla.adv@gmail.com
Cc: Committee of Administrators (coa@bcci.tv)
Subject: Ref: Order dated 20th September 2019

To,
Mr.P.S.Narsimha
Learned Amicus Curiae

Respected Sir,

We refer to the Order dated 20th September 2019 passed by the Hon'ble Supreme Court of India in I.A. No. 94179 of 2019. The said order, inter-alia states that notice period maybe relaxed at the directions of the learned Amicus Curiae.

In this regard we have to state as under:

1. The Committee of Administrators appointed by the Hon'ble Bombay High Court, registered on 12/09/2019, the constitution of MCA (referred as the said Constitution) with the office of the Charity Commissioner, Maharashtra and therefore, same was considered as Lodha Committee compliant.
2. The said Constitution was submitted to the Committee of Administrators ("COA") appointed by the Hon'ble Supreme Court of India for BCCI.
3. Clause No. 33 of the said the registered constitution of MCA, provides that a former State election Commissioner or in the event of he not being available, any appropriate officer from the State Election Commission nominated by the present State Election Commissioner be appointed as an Electoral officer.
4. MCA on 9th July 2019, with the intention to comply with COA directions on State Association elections, wrote to the State Election Commission to appoint an Electoral Officer.
5. On 24th July 2019, the State Election Commission appointed one Mr. Avinash Sanas being "the Deputy State Election Commissioner" as an Electoral Officer under said Rule 33.
6. On 25th July 2019, COA directed change in the said criteria u/r 33, for appointing electoral officer and directed all State Cricket Associations to appoint only "a former Election Commissioner" as an Electoral Officer.
7. Accordingly on 5th August 2019, MCA again requested the State Election Commission to suggest names of suitable candidates for the post of Electoral officer.
8. On 7th August, 2019 State Election Commission suggested four suitable names and on 20th August, 2019, MCA wrote to one of them namely Mr. D.N. Chaudhari ("Mr. Chaudhari") (being a former State Election Commissioner, as well as former Principal Secretary, Law and Judiciary department and former Chairman of State Law Commission) to accept appointment as an electoral Officer.
9. On 13th August 2019, MCA requested the COA to extend the period of holding elections by a period of 60 days but the COA by its email dated 17th August 2019 refused to do so.
10. On 28th August, 2019 MCA forwarded to the COA, MCA constitution incorporating changes accepted by the COA and Learned Amicus curie and on 1st September, 2019 the COA informed its acceptance.
11. On 9th September, 2019 MCA filed a Notice of Motion in the Hon'ble Bombay High praying that the Ad-hoc Managing Committee of MCA be permitted to amend and register the constitution approved by the COA vide its e-mail dated 1st September, 2019. **This was necessitated in view of the order dated 6th November, 2018 passed by the Hon'ble Bombay High Court whereby it appointed the said Ad-hoc Managing Committee with the condition that said Committee will not take any major policy decisions without the leave of the Hon'ble Court.**

12. On 11th September, 2019, on perusing the Supreme Court orders, Mr. Chaudhari informed MCA, that it would not be appropriate to conduct elections in view of orders of the Hon'ble Supreme Court of India which, in the opinion of the Electoral officer, did not permit holding of elections. The election officer however showed his readiness and willingness to conduct elections on getting suitable modification of the present orders from the Hon'ble Supreme Court of India, by his letter dt. 11/09/2019.
13. On sending the copy of communication from Mr. Chaudhari by an email to COA on 12/09/2019, and after email dt. 16/09/2019, asking for way forward, the COA responded on 18/09/2019 by email stating that the COA do not agree with the interpretation of Mr. Chaudhari and MCA should appoint another Election officer.
14. Said Mr. Chaudhari, on coming to know the order dt. 20/09/2019 passed by the Hon'ble Supreme Court which is referred to above, has verbally assured to accept his appointment as an Electoral officer.
15. Said notice of Motion dt. 9th September, 2019 was heard on Monday, 23rd September, 2019 and the Hon'ble Bombay High Court permitted the Ad-hoc Managing Committee to register the amended constitution with the Charity Commissioner.
16. The elections of BCCI are scheduled to be held on 22nd October, 2019 and MCA would like to hold its elections as soon as possible and try its best to send its representative to attend BCCI meetings/election.

MCA has made all the efforts to hold elections, as per the time line fixed by the COA, as soon as possible and has been diligently following up the matter. MCA is one of the oldest members of BCCI and a prime association in the field of cricket. It will be unfortunate if it is unable to have a representative in BCCI.

In view of the above and considering the constraints of limited time on hand, we shall be grateful if you can please issue appropriate directions permitting MCA to hold elections of Apex Council on or before 15th October 2019 by waiving the statutory time for giving notice and allowing the notice period of lesser time to conduct elections pending the registration of amendments with charity commissioner.

- A. 7 (Seven) days' notice to 329 member clubs of MCA to nominate their representative and former International Cricketers to attend and vote at the elections of the Apex Council of MCA;
- B. Further 8 (Eight) days to scrutinise and finalise the Voters list and to hold the elections of the Apex Council which period shall commence upon expiry of seven days mentioned in (A) above.
- C. Pending the election of Apex Council of MCA, Adhoc Committee be authorised to nominate any eligible person as representative to BCCI on or before 30th September or in the alternative allow Apex Council to send name of the representative till 15th October, 2019.

We will be grateful if you can kindly look into the matter and issue necessary directions at the earliest.

Thanking you,

Yours faithfully,

(C.S.Naik)(Prof.Dr.Unmesh Khanvilkar)
C.E.O. Authorised Signatory