

**Reserved On : 05/03/2026****Pronounced On : 16/03/2026****IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 1670 of 2026****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE NIRAL R. MEHTA**

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Approved for Reporting	Yes	No
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PRADEEPSINH CHANDRASINH SOLANKI & ANR.**Versus****BOARD OF CONTROL FOR CRICKET IN INDIA & ORS.****Appearance:**

MR MIHIR JOSHI SENIOR ADVOCATE WITH MR APURVA VAKIL SENIOR ADVOCATE WITH MR ANUJ K TRIVEDI(6251) for the Petitioner(s) No. 1,2
MS VAIDEHI N PARIKH(11568) WITH MR PRIT U SHAH ADVOCATES for the Petitioner(s) No. 1,2

MR SUDHIR NANAVATI SENIOR ADVOCATE WITH MR VANDAN K BAXI(5863) for the Respondent(s) No. 2

MR SHALIN MEHTA SENIOR ADVOCATE WITH MR MRUGEN K PUROHIT(1224) for the Respondent(s) No. 3

MR DEVANG NANAVATI SENIOR ADVOCATE WITH MR MANAN B PANDYA(12491) for the Respondent(s) No. 4,5

MR SP MAJMUDAR(3456) for the Respondent(s) No. 4,5

MR MEET V JANI(13101) for the Respondent(s) No. 6,7

MR VARUN M PRADHAN(12729) for the Respondent(s) No. 6,7

MR SAURABH SOPARKAR SENIOR ADVOCATE WITH MR. SAHIL M SHAH(6318) for the Respondent(s) No. 1

NANAVATI & NANAVATI(1933) for the Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA**CAV JUDGMENT**



The present case is a glaring instance of non-exercise of powers by the Electoral Officer and failure to discharge the statutory duties cast upon him. The case further reflects a clear attempt to circumvent the statutory provisions with a view to retain authority and/or continue in power beyond the period prescribed under the Rules and Regulations of the Baroda Cricket Association, as well as in contravention of the directions issued by the Hon'ble Supreme Court in Civil Appeal No. 4235 of 2014.

[1] By way of the present petition under Article 226 of the Constitution of India, the petitioners, in their capacity as Members of the Baroda Cricket Association, have challenged the legality and validity of the candidature of respondent Nos. 4 to 7, who are contesting for the posts of Office Bearers, namely President, Secretary and Treasurer, for the term 2026–2029. The challenge is founded on the ground that the said respondents stand disqualified, having completed a cumulative tenure of nine years or more in the capacity of Councillor and/or Office Bearer in the Apex Council.



[2] The facts leading to the present Writ Petition, in nutshell, are as under:

[2.1] Respondent No.2 is the State Cricket Association, namely the Baroda Cricket Association (BCA), which is a member of the Board of Control for Cricket in India (BCCI) – Respondent No.1, and is governed by its Memorandum of Association (MoA) and the Rules and Regulations, as amended from time to time. Respondent Nos.4 to 7 are members of BCA and have submitted their nominations to contest the ensuing elections of BCA scheduled to be held on 15th February 2026.

[2.2] The Hon'ble Supreme Court of India, in proceedings concerning reforms in the BCCI and on the basis of the recommendations of the Justice Lodha Committee, accepted the principle of tenure-based disqualification, holding that any individual who has completed a cumulative tenure of nine years in a State Cricket Association shall incur disqualification. It was further directed that upon completion of two consecutive terms, a mandatory cooling-off period of three years shall be observed. The



Apex Court also directed that the Bye-laws and Memorandum of Association be suitably amended so as to incorporate provisions relating to tenure, eligibility and disqualification.

[2.3] Pursuant to the Election Notification dated 6th January 2026 issued for conducting the elections of the Baroda Cricket Association for the term 2026–2029, Respondent No.4 submitted his nomination for the post of President, Respondent Nos.5 and 6 submitted their nominations for the post of Honorary Secretary, and Respondent No.7 submitted his nomination for the post of Honorary Treasurer.

[2.4] The petitioners, being members of the Baroda Cricket Association, submitted written objections dated 20th January 2026 before Respondent No.3, the Electoral Officer, *inter alia*, contending that Respondent Nos.4 to 7 stood disqualified in view of the aforesaid judgment of the Hon'ble Supreme Court. The petitioners also requested that an opportunity of hearing be granted and prayed for rejection of the nominations submitted by the said respondents.



[2.5] It is an admitted position that the said objections were neither adjudicated nor was any opportunity of hearing afforded to the petitioners. More importantly, no order deciding the objections was communicated to them. On the contrary, the Electoral Officer proceeded to publish the final list of candidates.

[2.6] Subsequent to the publication of the final list, the petitioners once again approached the Electoral Officer by way of a representation dated 27th January 2026, reiterating that Respondent Nos.4 to 7 had completed more than nine years of tenure and were, therefore, disqualified. The said representation also remained undecided. In the aforesaid circumstances, the petitioners have preferred the present petition seeking enforcement of the directions issued by the Hon'ble Supreme Court and praying for a direction restraining Respondent Nos.4 to 7 from contesting the election.

[3] At the outset, it deserves to be noted that Respondent Nos. 2 to 7, upon service of the advance copy of the petition,



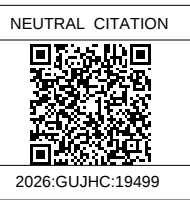
entered appearance before this Court, either through learned advocates or in person, and raised a preliminary objection with regard to the maintainability of the present petition, requesting that the said issue be considered and decided at the threshold. This Court, having heard the learned advocates appearing for the respective parties on the question of maintainability, by order dated 13th February 2026, rejected the preliminary objection and proceeded to issue notice for final disposal of the petition, making the same returnable on 17th February 2026. While doing so, this Court granted ad-interim relief in the following terms:

“27. Having considered the totality of facts and circumstances and as noted hereinabove, more particularly objections against nomination appears to have been ignored and without passing any order thereon, list of successful candidates having declared in defiance of the decision of the Hon’ble Apex Court and keeping mind that the voting is scheduled on 15.02.2026 and the controversy raised in the present petition pertains to acceptance of nomination of private respondents in the context of tenure-based disqualification, which goes to the root of the matter, this Court is of the view that if no interim protection is granted, the petition may become infructuous. The same may also result in multiplicity of proceedings and may create an

irreversible situation. At the same time, grant of complete interim relief by staying the election process at this stage may not be appropriate. Therefore, in order to ensure equity, to ensure that the proceedings do not become infructuous, by way of ad-interim relief, it is directed that the voting scheduled on 15.02.2026 shall proceed. However, counting of votes and publication of result shall not be made without prior permission of this Court. The election officer shall ensure safe custody of ballot papers and shall take all necessary steps to ensure preservation of the relevant material and data in connection with election process and further maintain complete secrecy.

28. It is clarified that permitting the private respondents to contest the election shall not create any equity in their favour and their participation shall remain subject to the final outcome of the present proceedings and any further orders that may be passed by this Court.”

[4] Aggrieved by the aforesaid order, the respondents herein preferred Letters Patent Appeals, being Letters Patent Appeal Nos. 172 of 2026, 173 of 2026 and 174 of 2026. The said appeals came to be permitted to be withdrawn by the Division Bench of this Court vide order dated 16th February 2026.



[5] Heard learned Senior Advocate Mr. Mihir Joshi with learned Senior Advocate Mr. Apurva Vakil, assisted by learned advocates Mr. Anuj Trivedi, Ms. Vaidehi Parikh and Mr. Prit Shah for the petitioners; learned Senior Advocate Mr. Sudhir Nanavati, assisted by learned advocate Mr. Vandan Baxi for Nanavati & Nanavati, for respondent No.2 – BCA; learned Senior Advocate Mr. Shalin Mehta, assisted by learned advocate Mr. Mrugen Purohit for respondent No.3 – the Electoral Officer; learned Senior Advocate Mr. Devang Nanavati, assisted by learned advocates Mr. Manan Pandya and Mr. S. P. Majmudar for respondent Nos.4 and 5; learned advocates Mr. Meet Jani and Mr. Varun Pradhan for respondent Nos.6 and 7; and learned Senior Advocate Mr. Saurabh Soparkar, assisted by learned advocate Mr. Sahil Shah for respondent No.1 – BCCI.

[6] Learned Senior Advocate Mr. Mihir Joshi, appearing for the petitioners, while assailing the candidature of Respondent Nos. 4 to 7, has advanced the following submissions:

[6.1] It is submitted that the Election Notification dated 6th



January 2026 came to be issued for conducting elections for the term 2026–2029, pursuant to which Respondent Nos. 4 to 7 submitted their nominations for the posts of President, Secretary and Treasurer. The said nominations were objected to by the petitioners by way of written objections dated 20th January 2026. However, without adjudicating upon the said objections, the Electoral Officer proceeded to publish the final list of candidates on 22nd January 2026. It is, therefore, contended that such action on the part of the Electoral Officer is in gross violation of Clause 33(3) of the Memorandum of Association. It is further submitted that under Clause 33(3) of the MoA, a duty is cast upon the Electoral Officer to decide any dispute or objection relating to candidature, disqualification, eligibility to vote, or the acceptance or rejection of votes in the election of the Apex Council or any Committee. The failure to comply with the said mandate constitutes a serious illegality striking at the very root of the democratic process. It is, therefore, prayed that such arbitrary and high-handed action be quashed and set aside and that Respondent Nos. 4 to 7 be declared disqualified on the ground of tenure.



[6.2] It is further submitted that the Hon'ble Apex Court, in the case of Board of Control for **Cricket in India vs. Cricket Association of Bihar** reported in **(2018) 9 SCC 624**, approved the clauses and modifications suggested by the *amicus curiae* and emphasized that the Electoral Officer shall be a former Member of the Election Commission of India. It is contended that such a requirement carries considerable significance inasmuch as the Electoral Officer is entrusted with the responsibility of overseeing and supervising the entire election process, including the scrutiny of nomination forms. It is submitted that an Electoral Officer of such stature is expected to conduct the election process with utmost diligence so as to ensure fairness and impartiality. However, in the present case, the Electoral Officer has failed to discharge such obligation and has acted arbitrarily in not deciding the objections raised by the petitioners, thereby resulting in a serious miscarriage of justice.

[6.3] It is submitted that the Hon'ble Apex Court has, from time to time, in proceedings relating to reforms in BCCI, introduced



tenure-based disqualification with the avowed object of preventing concentration of power and ensuring that the electoral process remains transparent and independent.

[6.4] It is further submitted that all the respondents have completed nine years or more in their capacities as Office Bearers and/or Councillors. A conjoint reading of Rule 6 with Rule 14 of the Memorandum of Association would, therefore, render the private respondents disqualified on the ground of tenure. Consequently, their nominations ought to have been rejected by the Electoral Officer.

[6.5] It is submitted that it is an admitted position that a person who has completed nine years as a Councillor stands disqualified from contesting the election for the post of Councillor. In such circumstances, such a person cannot be permitted to contest for the post of Office Bearer, as upon election such Office Bearer becomes a Councillor in the Apex Council. It is submitted that the Apex Council comprises 13 Councillors, of whom 5 are elected Office Bearers, 5 are elected Councillors, one male and one



female are nominated by the Cricket Players' Association, and one is nominated by the Accountant General of Gujarat. Thus, all members of the Apex Council, irrespective of their designation as Office Bearers or Councillors, fall within the definition of "Councillor." It is contended that the intention of the Hon'ble Apex Court in prescribing tenure-based disqualification cannot be diluted by interpreting the Regulations in a manner that permits a person who has completed nine years as a Councillor to again hold office as an Office Bearer for a further period. This is particularly so when an Office Bearer, upon completing nine years, is debarred from contesting for either post. Therefore, Respondent Nos. 4 to 7, having completed nine years or more as Councillors and/or Office Bearers, stand clearly disqualified and their nominations deserve to be cancelled.

[6.6] It is further submitted that although the Hon'ble Apex Court, by order dated 20th September 2019 passed in various interlocutory applications in Civil Appeal No. 4235 of 2014, had clarified that disqualification would be confined to those who had held the posts of Office Bearers of Cricket Associations,



subsequently, by judgment dated 14th September 2022 passed in I.A. No. 49930 of 2020 in Civil Appeal No. 4235 of 2014, the position came to be reconsidered and clarified.

[7] By making above submissions, learned Senior Advocate Mr. Joshi for the petitioners requested this Court to allow the present petition, as prayed for.

[8] *Per contra*, learned Senior Advocate Mr. Devang Nanavati, assisted by learned advocates Mr. Manan Pandya and Mr. S. P. Majmudar, appearing for Respondent Nos. 4 and 5, while opposing the present petition, has advanced the following submissions:

[8.1] It is submitted that the present petition under Article 226 of the Constitution of India, apart from the issue of maintainability, ought not to be entertained inasmuch as the dispute pertains to an election process. It is contended that issues relating to the eligibility and qualification of candidates can be agitated only by way of an Election Petition or through any other remedy of a similar nature, as may be available under the



provisions of the Bombay Public Trusts Act, 1950. In view of the availability of such alternative statutory remedy, it is urged that the present petition deserves to be dismissed.

[8.2] Without prejudice to the aforesaid contention, it is submitted that Regulation 40 provides for the forum of an Ombudsman, who is competent to adjudicate upon grievances of the nature raised by the petitioners. It is, therefore, contended that the present petition under Article 226 is not maintainable and is liable to be dismissed on this ground as well.

[8.3] It is further submitted that Civil Appeal No. 4235 of 2014 is still pending before the Hon'ble Apex Court and, therefore, in the event of any ambiguity or clarification with regard to tenure-based disqualification, the petitioners ought to have approached the Hon'ble Apex Court in the said proceedings. It is contended that the Hon'ble Apex Court, upon being approached, has from time to time clarified various aspects and, therefore, the appropriate course for the petitioners was to seek relief in the pending proceedings before the Hon'ble Apex Court rather than invoking the writ



jurisdiction of this Court under Article 226 of the Constitution of India. On this ground also, dismissal of the present petition is prayed for.

[8.4] It is submitted that the Hon'ble Apex Court, by order dated 20th September 2019 passed in various interlocutory applications in Civil Appeal No. 4235 of 2014, clarified that disqualification would be confined only to the posts of Office Bearers of Cricket Associations. It is further submitted that the subsequent judgment dated 14th September 2022 passed in I.A. No. 49930 of 2020 in Civil Appeal No. 4235 of 2014 was rendered in a different factual context and, therefore, the said decision does not dilute the earlier clarification. According to the respondents, both the decisions of 2019 and 2022 operate independently.

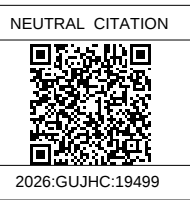
[8.5] It is submitted that the reformatory directions issued by the Hon'ble Apex Court pertain only to "Office Bearers". It is contended that a Councillor who has completed a cumulative tenure of nine years as an "Office Bearer" would stand disqualified for all purposes. However, such disqualified person may still be



eligible to contest as an elected Councillor. Conversely, it is contended that there is no restriction on a person who has completed nine years as a “Councillor” from contesting for the post of Office Bearer for a further period, subject to the requirement of a cooling-off period. On this basis, it is urged that the present petition deserves to be dismissed.

[8.6] It is further submitted that the restriction and disqualification contemplated under the reformatory directions of the Hon’ble Apex Court as well as the Bye-laws are confined only to “Office Bearers”, and no reference has been made to “Councillors” or members of any Committee. It is, therefore, contended that a Councillor who has completed nine years in such capacity would nonetheless remain eligible to contest for the post of Office Bearer. It is argued that any interpretation to the contrary would amount to importing words into, or enlarging the scope of, the judgment of the Hon’ble Apex Court, which is impermissible in law.

[8.7] It is submitted that Regulation 6(5)(e) specifically employs the expression “Office Bearer” and not “Apex Council”.



Therefore, to hold that a member of the Apex Council stands disqualified from contesting for the post of Office Bearer on the ground of having completed nine years as a member of the Apex Council would amount to rewriting the provision, which is impermissible. In support of this contention, reliance is placed upon the clarification and/or advisory dated 24th September 2019 issued by the Committee of Administrators, which suggests that, for the purpose of computing the period of nine years, only the tenure served as an “Office Bearer” is required to be taken into consideration.

[9] By making above submissions, learned Senior Advocate Mr. Nanavati for the respondents Nos.4 and 5 has prayed this Court to dismiss the present petition.

[10] Learned Senior Advocate Mr. Sudhir Nanavati for Nanavati & Nanavati for the respondent No.2 – Baroda Cricket Association, while opposing the present petition, has made the following submissions:



[10.1] Learned Senior Advocate Mr. Devang Nanavati, appearing for Respondent No.2, while adopting the submissions advanced on behalf of Respondent Nos.4 and 5, has further invited the attention of this Court to Regulation 14 to contend that the Apex Council comprises 13 Councillors. It is submitted that there are two distinct modes of entry into the Apex Council: one by way of election to the posts of “Office Bearers”, namely President, Vice President, Secretary, Joint Secretary and Treasurer; and the other by way of election as “Councillors” in terms of Regulation 14(2)(a). It is further submitted that Regulation 14(3)(e) contemplates disqualification for being a Councillor only in a case where an individual has held the post of “Office Bearer” for a cumulative period of nine years. Thus, according to the learned Senior Advocate, a Councillor incurs disqualification only upon completion of nine years in the capacity of an “Office Bearer”. It is, therefore, contended that while an “Office Bearer”, upon completion of nine years, would be rendered ineligible to hold any position, including that of a Councillor or a member of any Committee, a “Councillor” who has completed nine years in the Apex Council may be barred

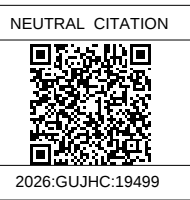


from re-election as a Councillor but would nevertheless remain eligible to contest for the post of “Office Bearer” for a further period, subject to the requirement of a cooling-off period. On this basis, dismissal of the present petition is prayed for.

[11] Learned Senior Advocate Mr. Nanavati for Respondent No.2 has further placed considerable reliance upon the definition of “Office Bearer” to contend that the same is specifically defined to include the President, Vice President, Secretary, Joint Secretary and Treasurer. It is submitted that the term “Councillor” is separately defined and, therefore, both categories are distinct and cannot be conflated. It is contended that wherever the expression “Office Bearer” is employed in the Regulations, the same must be construed strictly to mean only such Office Bearers. It is further submitted that Regulation 6(5)(e) must be interpreted strictly in the context of “Office Bearer” alone, and its scope cannot be enlarged so as to include an “Apex Council Member” within its ambit.



[11.1] On the aforesaid factual premise, it is submitted that Respondent No.4 – Mr. Kiran More has served as an “Office Bearer” for a period of seven years and as a “Member” for two years and, therefore, remains eligible to contest for the post of “Office Bearer” up to the maximum permissible tenure of nine years. It is further submitted that although he has served as a member of the Apex Council for seven years, he would thereafter be rendered ineligible to contest further elections. Similarly, in respect of Respondent No.5 – Mr. Amul Jikar, it is submitted that notwithstanding his tenure of eight years as a member of the Apex Council, he has served only six years as an “Office Bearer” and is, therefore, eligible to contest for the said post. Insofar as Respondent No.6 – Mr. Anant Indulkar is concerned, it is submitted that although he has served for twelve years as a member of the Apex Council, he still has remaining tenure available in the capacity of “Office Bearer” and, therefore, his candidature is valid. Likewise, in respect of Respondent No.7 – Mr. Amar Petiwale, it is submitted that despite having served for fifteen years as a member of the Apex Council, he continues to have a balance tenure of three years



as an “Office Bearer” and, accordingly, his candidature is also valid.

[12] By making above submissions, learned Senior Advocate Mr. Nanavati for the respondent No.2, therefore, submitted that present petition, being devoid of any merits, deserves to be dismissed.

[13] Learned Senior Advocate Mr. Saurabh Soparkar, assisted by learned advocate Mr. Sahil Shah for Respondent No.1 – BCCI, while opposing the present petition, has advanced the following submissions:

[13.1] It is submitted that the Board of Control for Cricket in India (BCCI) has been erroneously impleaded as a party respondent in the present proceedings, inasmuch as it has no role to play in the internal affairs of the Baroda Cricket Association. According to learned Senior Advocate Mr. Soparkar, the BCCI is an independently registered society and/or trust governed by its own Bye-laws, and there exists no supervisory control over the Baroda Cricket Association unless its Bye-laws are found to be inconsistent with those of the BCCI.



[13.2] It is further submitted that the guidelines/ advisory issued by the Committee of Administrators merely reflect its understanding and interpretation of the decisions of the Hon'ble Apex Court, and such interpretation cannot be regarded as binding upon this Court. It is contended that any interpretation rendered by this Court would attain finality and prevail over such advisory or guidelines.

[14] By making the aforesaid submissions, learned Senior Advocate Mr. Soparkar for Respondent No.1 – BCCI has requested this Court to dismiss the present petition.

[15] Learned Senior Advocate Mr. Shalin Mehta, assisted by learned advocate Mr. Mrugen Purohit for Respondent No.3 – the Electoral Officer, while opposing the present petition, has advanced the following submissions:

[15.1] It is submitted that the written objections dated 20th January 2026 preferred by the petitioners with regard to the nominations of Respondent Nos.4 to 7 were duly considered and



examined in light of the Memorandum of Association and the Rules and Regulations of the Baroda Cricket Association. It is contended that upon such examination it was found that Respondent Nos.4 to 7 had not completed nine years in the capacity of “Office Bearers” of the Baroda Cricket Association and, therefore, had not incurred any disqualification in terms of Rule 6 read with Rule 14. It is further submitted that the entire exercise undertaken by Respondent No.3 – the Electoral Officer has been kept in a sealed cover and can be produced before this Court for its perusal, if so directed. It is submitted that since the nominations and candidatures of Respondent Nos.4 to 7 were found to be valid and in consonance with the provisions of the Memorandum of Association, the same were rightly included in the final list of candidates for the BCA Elections for the term 2026–2029. It is, therefore, contended that no illegality can be attributed to the Electoral Officer.

[15.2] Learned Senior Advocate Mr. Mehta, appearing for Respondent No.3, while adopting the submissions advanced by learned Senior Advocate Mr. Devang Nanavati for Respondent



Nos.4 and 5 and learned Senior Advocate Mr. Sudhir Nanavati for Respondent No.2, has submitted that Respondent Nos.4 to 7 are eligible to contest the election for the posts of “Office Bearers”, inasmuch as none of the said candidates has yet exhausted the maximum permissible tenure of nine years in the category of “Office Bearer”. It is, therefore, contended that their nominations are valid and do not warrant any interference.

[16] By making above submissions, learned Senior Advocate Mr. Mehta for the respondent No.3 – Electoral Officer requested this Court to dismiss the present petition.

[17] Having heard the learned advocates appearing for the respective parties and having perused the material placed on record, the principal question that arises for consideration of this Court is whether, in the facts and circumstances of the present case, and in light of the directions issued by the Hon’ble Apex Court in Civil Appeal No. 4235 of 2014, as well as upon a conjoint reading of Rules 6 and 14 of the Rules and Regulations of the Baroda Cricket Association, Respondent Nos. 4 to 7 can be said to have



incurred disqualification from contesting the election for the posts of “Office Bearers” of the Baroda Cricket Association, and further, whether the Electoral Officer, in exercise of powers under Regulation 33, was justified in not adjudicating upon the objections raised by the petitioners and in accepting the nomination forms of the said respondents by including their names in the final list of candidates for the election for the term 2026–2029.

[18] In order to adjudicate the aforesaid question, it is necessary to consider the object and purpose underlying the concept of a cooling-off period and the tenure-based disqualification as directed by the Hon’ble Supreme Court. The Baroda Cricket Association is governed by its Memorandum of Association and the Rules and Regulations framed thereunder. The said Rules and Regulations have been formulated by the BCA in accordance with the directions issued from time to time by the Hon’ble Apex Court in Civil Appeal No. 4235 of 2014, while accepting the recommendations made by the Committee constituted by the Hon’ble Supreme Court for reforms in the BCCI and other Cricket Associations. Thus, the object and purpose, as



reflected in the Memorandum of Association of the BCA, are reproduced hereinbelow:

“The Objects and purposes of BCA are:

- (a) To control and improve quality and standards of the game of cricket in the erstwhile Baroda State, lay down policies, roadmaps, guidelines and make rules and regulations (and amend or alter them) in all matters relating to the game of Cricket, recognize that the primary stakeholders are the players and Cricket fans in areas under BCA's jurisdiction, and that accountability, transparency and integrity of the game are the core values;*
- (b) To provide for measures necessary for promotion and development of the game of cricket, welfare and interest of Cricketers and elimination of unethical and unfair practices in the Game of cricket: and for that purpose, organize coaching schemes, establish coaching academies, hold tournaments, exhibition matches, First Class Matches, List A Matches, Test Matches, ODIs, Twenty/20, and all other matches and take all other required steps;*
- (c) To strive for sportsmanship and professionalism in the game of cricket and its governance and administration, inculcate*

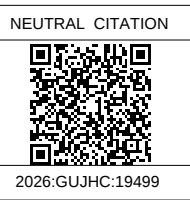
principle of transparency and ethical standards in players, team officials, umpires and administrators and to ban doping, age fraud, sexual harassment and all other forms of inequity and discrimination;

(d) To encourage the formation of District Cricket Association in the erstwhile state of Baroda and the organization of Inter-district and other Tournaments, to lay down norms for recognition which achieve uniformity in the structure, functioning and processes of the District Cricket Associations;

(e) To arrange, control regulate and if necessary finance visit of Teams that are Members of the BCCI and teams of other Countries to India;

(f) To arrange, control, regulate and finance, visit of Baroda Cricket Teams to four countries that are members of the International Cricket Council or elsewhere in conjunction with the bodies governing cricket in the countries to be visited;

(g) To select teams to represent BCA in BCCI Tournaments and all other Tournaments in all formats & in all age group (Men & Women) in India or abroad as BCA may decide from time to time;



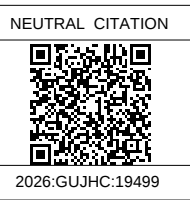
(h) To foster the spirit of sportsmanship and the ideals of cricket amongst school, college and university students and others and to educate them regarding the same;

(i) To nominate BCA's representative/s for the BCCI meetings as also to conferences and seminars connected with the game of cricket.

(j) To appoint managers and/or other team officials for the BCA;

(k) To employ and appoint CEOs, professional managers, auditors, executive secretaries administrative officers, assistant secretaries, managers, clerks, team support staff, players, and other service personnel and staff, and to remunerate them for their service, by way of salaries, wages, gratuities, pensions, honoraria, ex-gratia payments and/or provident fund, and to remove/terminate or dismiss such employees or personnel;

(1) To ensure that tickets to cricket matches are widely available well in advance of the matches to members of the public at reasonable rates, and to prevent distribution of the same as largesse, and to offer seats gratis or at nominal rates to students,



(m) To lay out cricket grounds and to provide pavilion, canteen and other facilities and amenities for the convenience and benefit of the members, players and the Cricket fans including the woman and disabled, and to ensure the availability of Cricket gear and amenities to Cricket players.:

(n) To constitute Committees, from time to time and entrust or delegate its functions and duties to such Committees, for achieving the objects of BCA.

(o) To vest immovable properties and funds of BCA in Trustees appointed by it, for carrying out the objects of BCA;

(p) To sell, manage, mortgage, lease, exchange, dispose of or otherwise deal with all or any property of BCA;

(q) To acquire or purchase properties movable and immovable, and assets- tangible and intangible, and to apply the capital and income therefrom and proceeds of the sale or transfer thereof, for or towards all or any of the objects of BCA;

(r) To collect funds, and wherever necessary, borrow with or without security and to purchase, redeem or pay off any such



securities;

(s) To carry out any other activity which may seem to the BCA, capable of being conveniently carried on in connection with the above, or calculated directly or indirectly to enhance the value or render profitable or generate better income/revenue, from any of the properties assets and rights of BCA;

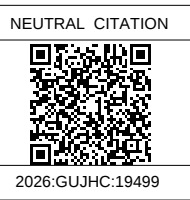
(t) To promote, protect and assist the Players who are the primary agents of the game by:

i. Creating a Players Association,

ii. Being sensitive to players before domestic calendars are drawn up so that sufficient time is provided for rest and recovery,

iii. Taking steps, particularly on longer tours, so the emotional wellbeing and family bonds of the Players are strengthened.

iv. Preferably having qualified Physiotherapists. Mental Conditioning coaches/Counsellors and Nutritionists among the team's support staff



v. Having a single point of contact on the logistics and managerial side so that Players' can fully concentrate on the game;

(u) To grant/donate such sum/s for:

i. Such cause as would be deemed fit by BCA conducive to the promotion of the game of cricket.

ii. The benefit of Cricketers or their spouses and children by introducing benevolent fund schemes or other benefits schemes, as BCA deems fit, subject to its rules and regulations:

iii. The benefit of any other persons who have served Cricket or their spouses and children as BCA may consider fit

iv. To award sponsorship to sportspersons in games other than Cricket for development of their individual skills, and

v. To donate to any charitable cause:

(v) To start or sponsor and/or to subscribe to funds or stage matches for the benefit of the Cricketers or persons who may have rendered services to the game of Cricket or for their families, or to



donate towards the development or promotion of the game and to organize matches in aid of Public Charitable and Relief Funds;

(w) To impart physical education through the medium of Cricket;

(x) To co-ordinate the activities of members and institution in relation to BCA and amongst themselves;

(y) To create and maintain a central repository and database of all Cricketers along with their game statistics;

(z) To introduce a scheme of professionalism and to implement the same;

(aa) To provide a fair and transparent grievance redressal mechanism to players, support personnel and other entities associated with Cricket,

(bb) Generally, to do all such other acts and things as may seem to BCA to be convenient and/or conducive to the carrying out of the objects of BCA;"

[18.1] The relevant provisions of Rules which are applicable to BCA and those are *para materia* to the Rules of BCCI



are as under:

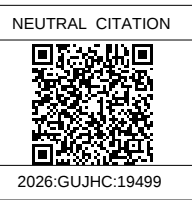
“1 (A) DEFINATIONS

(c) **“APEX COUNCIL”** is the principal body of BCA tasked with its governance as set out in Rule 14.

(E) **“BCA”** is Baroda Cricket Association initially registered under Mumbai Public Trust Act 1950, now recognized as the Gujarat Public Trust Act 1950. Registered office of the trust is situated at Vadodara & therefore the jurisdiction of the trust is the charity commissioner office, Vadodara.

(g) **“CONFLICT OF INTEREST”** refers to situations where an individual associated with BCA in any capacity acts or omits to act in a manner that brings, or is perceived to bring the interest of the individual in conflict with the interest of the game of cricket and that may give rise to apprehensions of, or actual favoritism, lack of objectivity, bias, benefits (monetary or otherwise) or linkage, as set out in Rule 38.

(k) **“ELECTORAL OFFICER”** is the person appointed to conduct supervise and deal with issue concerning elections as set out in Rule 33.



(o) *“GENERAL BODY” is the supreme body of BCA which is constituted by its Member.*

(p) *“GOVERNING COUNCIL” is the Standing Committee consisted by BCA which shall be in charge of and conduct the Baroda Premier League.*

(u) *“OFFICE BEARER” means the President, Vice-President, Secretary, Joint Secretary and Treasurer.*

(x) *“PRESIDENT” is the Honorary President of BCA and of the Apex Council as set out in Rule 7(1).*

(dd) *“TREASURER” is the Treasurer of BCA as set out in Rule 7(5).*

(ee) *“VICE PRESIDENT” is the Vice President of BCA as set out in Rule 7(2).*

(hh) *“CONSTITUTION” means the present Memorandum Of Association and Rules And Regulations registered in accordance with the Judgement dated 9th August 2018 of Hon’ble Supreme Court of India in Civil Appeal No:4235 of 2014.”*

[18.2] Rule 6 provides for election and term of “Office



Bearer” and other Committees, which reads as under:

“6. ELECTIONS & TERM OF OFFICE BEARERS & OTHER COMMITTEES

(1) The following Office Bearers & other committees of BCA shall be elected by the Members of BCA from amongst them at Annual General Meeting

1 Elected Office Bearers

- 1. The President*
- 2. The Vice-President*
- 3. The Secretary*
- 4. The Joint Secretary*
- 5. The Treasurer*

2. Councilor as per 14.2.a

3. Elected Sub-Committees

- i. Ground & Infrastructure Committee*
- ii. Finance Committee*
- iii. Press Publicity Committee*



All the above three elected sub committees should consist of seven members each, as per BCA's previous constitution.

(2) The Term of office of an Apex Council members and other committees shall be 3 years. Their position shall be Honorary.

(3) No person shall be an Office bearer for more than 3 terms in all.

(4)

1. An office bearer who has held any post for two consecutive terms in the BCA shall not be eligible to contest any further election in the BCA without completing a cooling off period of three years.

During this cooling off period, such an office bearer shall not be a member of the Governing Council or of any committee whatsoever of the BCA.

The expression "Office bearer should not be permitted to be circumvented by being a member of any other committee or of the Governing Council in the BCA, as the case may be

2. If a person has served two consecutive terms each, in

the BCA and in the BCCI (or vice versa) continuously without any break, such person shall not be eligible to contest any further election in the ICA or in the BCCI without completing a cooling off period of three years,

During this cooling off period, such an office bearer shall not be a member of the Governing Council or of any committee whatsoever of the BCCI or of the BCA The expression 'Office bearer" should not be permitted to be circumvented by being a member of any other committee or of the Governing Council in BCCL or the BCA, as the case may be

(5) A person shall be disqualified from being an Office Bearer, a member of the Apes Council, Governing Council or any Committee or a representative to the BCCI if he or she:

- a. is not a citizen of India,*
- b. has attained the age of 70 years:*
- c. is declared to be insolvent, or of unsound mind.*
- d. is a Minister or Government Servant*
- e. has been an Office Bearer of the BCCI or the BCA for a cumulative period of 9 years: or*



f. has been convicted by a Court of Law for commission of a criminal offence and sentenced to imprisonment.

(6) Any member desirous of getting elected to Apex Council post should have been a member of the association during the 3 years preceding the year in which election is held Further for becoming an Apex Council member, he should have been a member of any one elected sub-committee mentioned below for one full term.

- i. Ground & Infrastructure Committee*
- ii. Finance Committee*
- ii. Press Publicity Committee*

The members who have not been elected in the sub-committees are mandatorily required to fulfill the above eligibility conditions by getting elected in the revised list of sub-committees in the amended constitutions.”

[18.3] Rule 7 provides for power and duties of the “Office Bearer” and elected sub-Committees, which reads as under:

“7. POWERS AND DUTIES OF OFFICE BEARERS & ELECTED SUB-COMMITTEES:



(1) THE PRESIDENT

a. The President shall preside at all meetings of the General Body and the Apex Council

b. The President shall be one of the three persons who shall sign the audited annual accounts and other financial statements of BCA

c. The President shall also exercise such functions and duties as he may be empowered with by the General body or the Apex Council.

d. The President shall in the event of a vacancy or indisposition of an Office Bearer, delegate the functions to another Office Bearer until the vacancy is duly filled up, or the indisposition ceases.

(2) THE VICE PRESIDENT

a. The Vice President shall officiate in the President's absences when the President is unavailable.

b. The Vice President shall also exercise such functions and duties as he may be empowered by the Apex Council.



(3) THE SECRETARY

The Secretary Shall:

- a. Keep and maintain the minutes of Annual General Meetings and Special General Meetings of the General Body, the meetings of the Apex Council and of the Committees appointed by the General Body in appropriate books and shall cause them to be properly and correctly recorded and confirmed.*
- b. Be one of the three persons who shall sign the audited annual accounts and other financial statements of BCA.*
- c. Be in charge of the records of the General Body, the Apex Council, the Governing Council and Committees, and such properties as may be entrusted to his care by BCA, the Apex Council or the Governing Council as the case may be.*
- d. Convene the Annual General meetings, the Special General Meetings and the meetings of the Apex Council and Governing Council with the concurrence of the President.*
- e. Circulate to all Members of the BCA the statement of accounts prepared by the Treasurer.*



f. Have the power to Delegate any power to the Hon. Joint Secretary with the consent and approval of the Apex Council.

(4) THE JOINT SECRETARY

The Joint Secretary shall:

- a. Convene and keep minutes of the Committees that may be placed in his charge at the Annual General Meeting or by the Secretary.*
- b. The Joint Secretary shall officiate with the consent and approval of the Apex Council.*

(5) THE TREASURER

The Treasurer shall:

- a. Receive all subscriptions and donations and the monies payable and/or receivable by BCA.*
- b. Be one of the three persons who shall sign the audited annual accounts and other financial statements of the BCA.*
- c. Keep accounts of all monies received and expended by BCA, in respect of asset, credits and liabilities of BCA.*



d. Prepare statement of accounts.

e. Place before the Apex Council:

1. Annual Balance Sheet:

2. Statement of Accounts of BCA, and

3. Annual Budget:

f. Place before the Annual General Meeting duly audited:

1. Annual Balance Sheet, and

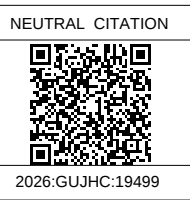
2. Statement of Accounts of BCA.

g. Invest and/or disburse the funds of BCA to withdraw any or all of the existing fixed deposits before the date of maturity in accordance with any general or special directions of the General Body or the Apex Council.

h. Prepare budget to be presented at the Annual General Meeting, Special General Meetings and Meetings of the Apex council.

i. Coordinate with the Auditor as well as the CEO to obtain insight into the utilization of funds by the districts.

(6) Ground & Infrastructure Committee - To oversee various



Grounds under areas of Jurisdiction of BCA and to co-ordinate and develop the infrastructure facilities at various grounds

(7) Finance Committee - To propose Annual Budget to the CEO and Apex Council. To Assist and guide the CEO and Apex Council in all compliances related matters. To Assist CEO and Apex Council in the finalization of the Annual Accounts

(8) Press Publicity Committee - The Committee Shall be responsible for coverage of the activities of the Association through the Press, It should also take cognizance of any comments affecting the association and bring them to the notice of the Apex Council.”

[18.4] Rule 14 assumes significance in relation to the governance structure of the Baroda Cricket Association. **In terms of the said Rule, there shall be an Apex Council of the BCA, which shall be primarily responsible for the governance and administration of the affairs of the Association. The Apex Council shall consist of 13 Councillors, out of whom 5 shall be elected as “Office Bearers” in accordance with Rule 6, while the remaining 8 shall be elected in the manner prescribed under Rule 14(2).**



[18.5] As per Rule 14(3)(e), a person shall stand disqualified from being a Councillor if he or she has served as an “Office Bearer” of the BCCI for a cumulative period of nine years or as an “Office Bearer” of the BCA for a cumulative period of nine years. Further, Rule 14(4-A) provides that each elected Councillor shall hold office for a term of three years, subject to a maximum of three terms on the Apex Council. It is further stipulated that a Councillor who has held any post for two consecutive terms in the BCA shall not be eligible to contest any further election in the BCA unless he or she undergoes a cooling-off period of three years. During such cooling-off period, the concerned individual shall not be eligible to serve as a member of the Governing Council or of any committee whatsoever of the BCA. The Rule further clarifies that the expression “Councillor” shall not be permitted to be circumvented by becoming a member of any other committee or of the Governing Council in the BCCI or the BCA, as the case may be. Rule 14 of the Baroda Cricket Association reads as under:

“14. THE APEX COUNCIL



1. There shall be an Apex Council for BCA which shall be primarily responsible for the governance of the affairs of BCA.

2. The Apex Council shall comprise of 13 Councilors of whom 5 shall be the elected Office Bearers as per Rule 6 and the remaining 8 shall be:

a. Five Councilors to be elected by the members of BCA from amongst themselves.

b. Two, one male and one female to be nominated by the Cricket Player's Association.

c. One to be nominated by the Accountant General of Gujarat from among the serving senior functionaries in the said office, co-terminus with the nominee's tenure.

3. A person shall be disqualified from being a Councilor if he or she

a. is not a citizen of India:

b. has attained the age of 70 years:

c. is declared to be insolvent, or of unsound mind;

d. is a Minister or a Government Servant.



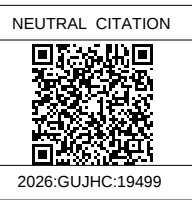
e. has been an Office Bearer of the BCCI for a cumulative period of 9 years or of the BCA for a cumulative period of 9 years; or

f. has been convicted by a Court of Law for commission of a criminal offence and sentenced to imprisonment.

4.

A. Each of the elected Councilors shall have a term of 3 years in office, subject to a maximum of 3 Terms on the Apex Council. A Councilor who has held any post for two consecutive Terms in the BCA shall not be eligible to contest any further election in the BCA without completing a cooling off period of three years. During the cooling off period, such a Councilor shall not be a member of the Governing Council or of any committee whatsoever of the BCA. The expression "Councilor should not be permitted to be circumvented by being a member of any other committee or of the Governing Council in BCA,

B. If a person has served two consecutive terms each as Councilor in the equivalent body of the BCA and in the BCCI (or vice a versa) continuously without any break such person shall not be eligible to be a Councilor in the equivalent body of the BCA or in the BCCI without completing a cooling off



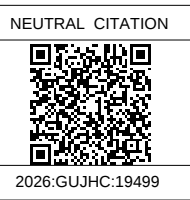
period of three years. During the cooling off period, such a Councilor shall not be a member of the Governing Council or of any committee whatsoever of the BCCI or of the BCA. The expression "Councilor should not be permitted to be circumvented by being a member of any other committee or of the Governing Council in BCCI or the BCA, as the case may be.

5. *No individual, including one filling up a vacancy under Sub-Rule (9) below shall be a Councilor for more than 9 years. In the event of a Councilor completing 9 years before the expiry of his term, he shall cease to hold office on completion of 9 years.*

6. *No nominated Councilor shall have more than one term of 3 years.*

7. *Notwithstanding anything contained elsewhere in these Rule, a former President of BCA shall not be entitled to be elected or nominated to the Apex Council in any capacity except for other terms as President subject to sub-Rules (4) and (5) above.*

8. *No councilor, once elected at BCCI, shall hold any office in BCA. BCA shall take steps to fill up the vacancy so created immediately.*



9. Any vacancy in the Apex Council due to death, resignation, insolvency, unsoundness of mind, nomination of the BCCI or other disqualification shall be filled up for the remaining period:

A. In the case of an elected Councilor, by elections at a Special General Body meeting of BCA convened by the Secretary for that purpose within 45 days:

B. In the case of nominated Councilor, in the same manner as prescribed for the respective nominee in Rule 14(2) above;

10. For the purpose of the GPT Act, 1960, the governing body of BCA shall be the Apex Council.”

[18.6] Rule 33 relates to the appointment and functions of the “**Electoral Officer**”. As per Rule 33(1), the Electoral Officer shall be a former Member of the Election Commission of the State. Rule 33(2) provides that the Electoral Officer shall oversee and supervise the entire election process, including the scrutiny of the electoral rolls of the Councillors and the Players’ Cricket Association. The said provision further stipulates that all nominations and candidatures shall be subject to the scrutiny of the



Electoral Officer in accordance with the Rules. Rule 33(3) further casts a duty upon the Electoral Officer, so appointed by the Councillors, to decide any dispute or objection relating to candidature, disqualification, eligibility to vote, or the acceptance or rejection of a vote in the election to the Apex Council. Rule 33, therefore, reads as under:

“33. THE ELECTORAL OFFICER

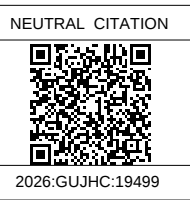
- 1. At least four weeks prior to the Annual General Meeting at which an election is to be held, the Apex Council shall appoint an Electoral Officer, who shall be a former member of the Election Commission of State.*
- 2. The Electoral Officer shall oversee and supervise the entire election process including scrutiny of the electoral rolls of Councilors and the players Cricket Association, which shall include all nominations and candidatures being subject to his scrutiny in accordance with the rules.*
- 3. In case of the dispute or objection as to candidacy, disqualification, eligibility to vote, or the admission or rejection of a vote in the election to the Apex Council, the player's Cricket Association or any of the Committees, the*



Electoral Officer shall decide the same and such decision shall be final and conclusive.”

[19] While considering the questions involved in the present proceedings, it would be apposite to refer to the historical background which led to the framing of the Memorandum of Association and the relevant Rules and Regulations by the BCCI and, consequently, by the respective State Cricket Associations.

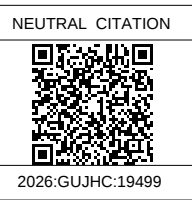
[19.1] The proceedings before the Hon’ble Supreme Court in Civil Appeal No. 4235 of 2014 arose out of two Writ Petitions filed in public interest by the Cricket Association of Bihar before the High Court of Bombay, seeking various reliefs, including a writ in the nature of mandamus for inquiry into allegations of betting and spot-fixing in the Indian Premier League (IPL). The petitions contained serious allegations of sporting frauds such as match-fixing and betting, as well as accusations of malpractices and conflict of interest. In view of such allegations, a Probe Commission came to be constituted to inquire into the matters in question. The Probe Commission thereafter submitted its report, which came to



be considered by the Hon'ble Supreme Court in its order dated 16th May 2014, **reported in (2014) 7 SCC 383**. By the said order, the Hon'ble Supreme Court permitted the Probe Commission to conduct an inquiry into the allegations. Subsequently, the Writ Petitions and Appeals were heard at length by the Hon'ble Supreme Court and, by its judgment dated 22nd January 2015 in the case of **Board of Control for Cricket in India vs. Cricket Association of Bihar and Others** reported in **(2015) 3 SCC 251**, the Hon'ble Supreme Court formulated the following questions for its consideration (paras 20.1 to 20.7 at page 274), which read as under:

“20.1 (i) Whether the respondent-Board of Cricket Control of India is 'State' within the meaning of Article 12 and if 19 it is not, whether it is amenable to the writ jurisdiction of the High Court under Article 226 of the Constitution of India? (See Paras 22 to 35)

20.2 (ii) Whether Gurunath Meiyappan and Raj Kundra were 'team officials' of their respective IPL teams - Chennai Super Kings and Rajasthan Royals? If so, whether allegations of betting levelled against them stand proved?(See Paras 61 to 53)



20.3 (iii) If question No.2 is answered in the affirmative, what consequential action in the nature of punishment is permissible under the relevant Rules and Regulations, and against whom? (See Paras 54 to 69)

20.4 (iv) Whether allegations of cover up, levelled against Mr. N. Srinivasan stand proved. If so, to what effect? (See Paras 70 to 72)

20.5 (v) Whether Regulation 6.2.4 to the extent it permits administrators to have commercial interest in the IPL, Champions League and Twenty-20 events is legally bad? (See Paras 73 to 107)

20.6 (vi) Whether allegations levelled against Mr. Sundar Raman, Chief Operating Officer IPL, stand proved? If so, to what effect? (See Paras 108 to 115)

20.7 (vii) What orders and directions need be passed in the light of the discussions and answers to questions 1 to 5 above? (See Paras 116 to 120)”

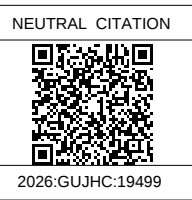
[19.2] The Hon’ble Supreme Court also considered the question regarding the maintainability of the writ petitions against



the BCCI, particularly whether the BCCI could be regarded as “State” within the meaning of Article 12 of the Constitution of India. In paragraphs 22 to 35 of the judgment, the Hon’ble Supreme Court examined the said issue and held that although the BCCI may not fall within the definition of “State” under Article 12 of the Constitution of India, it would nonetheless be amenable to the writ jurisdiction of the High Courts under Article 226 of the Constitution of India. In this regard, the Hon’ble Supreme Court observed as under in its judgment dated 22nd January 2014 reported in **(2015) 3 SCC 251** (paras 33 to 35 at pages 281 to 282):

“33. The majority view thus favours the view that BCCI is amenable to the writ jurisdiction of the High Court under Article 226 even when it is not 'State' within the meaning of Article 12. The rationale underlying that view if we may say with utmost respect lies in the "nature of duties and functions" which the BCCI performs. It is common ground that the respondent-Board has a complete sway over the game of cricket in this country. It regulates and controls the game to the exclusion of all others. It formulates rules, regulations norms and standards covering all aspect of the game. It enjoys the

power of choosing the members of the national team and the umpires. It exercises the power of disqualifying players which may at times put an end to the sporting career of a person. It spends crores of rupees on building and maintaining infrastructure like stadia, running of cricket academies and Supporting State Associations. It frames pension schemes and incurs expenditure on coaches, trainers etc. It sells broadcast and telecast rights and collects admission fee to venues where the matches are played. All these activities are undertaken with the tacit concurrence of the State Government and the Government of India who are not only fully aware but supportive of the activities of the Board. The State has not chosen to bring any law or taken any other step that would either deprive or dilute the Board's monopoly in the field of cricket. On the contrary, the Government of India have allowed the Board to select the national team which is then recognized by all concerned and applauded by the entire nation including at times by the highest of the dignitaries when they win tournaments and bring laurels home. Those distinguishing themselves in the international arena are conferred highest civilian awards like the Bharat Ratna, Padma Vibhushan, Padma Bhushan and Padma Shri apart from sporting awards instituted by the Government. Such is the passion for this game in this country that cricketers are seen as icons by youngsters, middle aged and the old alike. Any organization or entity that has such pervasive control over the game and its affairs and



such powers as can make dreams end up in smoke or come true cannot be said to be undertaking any private activity.

34. The functions of the Board are clearly public functions, which, till such time the State intervenes to 35 takeover the same, remain in the nature of public functions, no matter discharged by a society registered under the Registration of Societies Act. Suffice it to say that if the Government not only allows an autonomous/private body to discharge functions which it could in law takeover or regulate but even lends its assistance to such a non-government body to undertake such functions which by their very nature are public functions, it cannot be said that the functions are not public functions or that the entity discharging the same is not answerable on the standards generally applicable to judicial review of State action.

35. Our answer to question No.1, therefore, is in the negative, qua, the first part and affirmative qua the second. BCCI may not be State under Article 12 of the Constitution but is certainly amenable to writ jurisdiction under Article 226 of the Constitution of India.”

[19.3] In the aforesaid decision, the Hon’ble Supreme Court further constituted a Committee comprising Hon’ble Mr. Justice R. M. Lodha, former Chief Justice of India, as Chairman;



Hon'ble Mr. Justice Ashok Bhan, former Judge of the Supreme Court of India, as Member; and Hon'ble Mr. Justice R. V. Raveendran, former Judge of the Supreme Court of India, as Member. The Hon'ble Supreme Court requested the said Committee to examine the existing framework and to make suitable recommendations to the BCCI for necessary reforms. Accordingly, in its judgment 22nd January 2015 reported in **(2015) 3 SCC 251**, the Hon'ble Supreme Court observed as under (paras 119.1 to 119.4 at pages 324 to 325):

“119.1 Amendments considered necessary to the memorandum of association of the BCCI and the prevalent rules and regulations for streamlining the conduct of elections to different posts/officers in the BCCI including conditions of eligibility and disqualifications, if any, for candidates wanting to contest the election for such posts including the office of the president of the BCCI.

119.2 Amendments to the memorandum of association, and rules and regulation considered necessary to provide a mechanism for resolving conflict of interest should such a conflict arise despite Rule 6.2.4 prohibiting creation or holding of any commercial interest by the administrators, with



particular reference to persons, who by virtue of their proficiency in the game of Cricket, were to necessarily play some role as Coaches, Managers, Commentators etc.

119.3 Amendment, if any, to the Memorandum of Association and the Rules and Regulations of BCCI to carry out the recommendations of the Probe Committee headed by Justice Mudgal, subject to such recommendations being found acceptable by the newly appointed Committee.

119.4 Any other recommendation with or without suitable amendment of the relevant Rules and Regulations, which the Committee may consider necessary to make with a view to preventing sporting frauds, conflict of interests, streamlining the working of BCCI to make it more responsive to the expectations of the public at large and to bring transparency in practices and procedures followed by BCCI.”

[19.4] By its report dated 18th December 2015, the Committee recommended several measures and steps which, in its opinion, would streamline the functioning of the BCCI and prevent the recurrence of aberrations or controversies in which it had been embroiled in the past. Upon receipt of the said report, the BCCI submitted its response to the recommendations made therein.



Several other organisations and individuals also intervened in the proceedings and filed their responses and objections to the report and the recommendations contained therein by raising various issues.

The Committee also recommended revision of the Memorandum of Association. In the course of its report, the Committee identified several structural and governance-related issues under different heads and suggested appropriate measures to address the same. These aspects came to be noticed by the Hon'ble Supreme Court in paragraph 18 at page 560 of its judgment dated 18th July 2016 reported in **(2016) 8 SCC 535**. The issues so identified included: (i) concentration of power; (ii) lack of competence; (iii) overlap of diverse functions; (iv) zonal considerations; (v) absence of representation to players; (vi) absence of representation to women; (vii) lack of an independent voice; (viii) unlimited terms and tenures; and (ix) absence of disqualifications. The Hon'ble Supreme Court, in paragraph 18 at page 560 of its decision dated 18th July 2016 reported in **(2016) 8 SCC 535**, reproduced the observations made by the Committee on



the aforesaid aspects, which read as under:

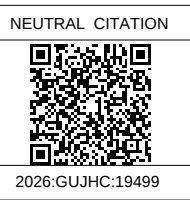
“18. The Committee then identifies the problems under different headings and suggests solutions for the same in the following words:

(a) Concentration of power

From overall superintendence of the Board and its affairs to taking action against players and even approving the composition of the team chosen by the Selectors, the President is all-powerful. In practice, this power was even abused with the exercise of veto over the changes in captaincy and selection of ICC representatives. Incumbents were also known to turn a blind eye when issues of corruption and mismanagement were brought to their notice, even going as far as permitting retrospective amendments to the bye-laws to favour particular interests.

(b) Lack of competence

The running of an organisation like the BCCI requires a clear functioning structure with well defined ideas to be executed. The present Working Committee of the BCCI consisting of the various office bearers elected by the BCCI and other representatives of the Members do not have any managerial



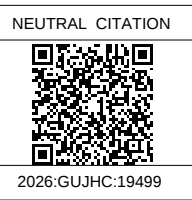
expertise and requisite experience to run BCCI in a professional manner. Specialists and professionals are usually engaged in an ad-hoc manner without any terms and tenures as would be expected with any billion dollar entity.

(c) Overlap of diverse functions

To borrow an analogy from political governance, it is necessary that the making of laws and regulations (legislative functions) are divorced from implementation thereof (executive functions) and those that review their validity or implementation (judicial functions). As far as the BCCI is concerned, the Working Committee not only lays down the relevant rules, regulations and bye-laws that govern the BCCI, but also oversee their implementation and takes final decisions when a Member or third party challenges either the rule or the manner of its implementation. These overlaps provide for extremely complicated and messy functioning.

(d) Zonal considerations

There seems to be no rational basis for the Presidency to be rotated as per Zones, which has the effect of forsaking merit. A person who has the support of as few as two or three members in his Zone may end up as the President, if it is the turn of that Zone for election of President. Recent amendments to the rules



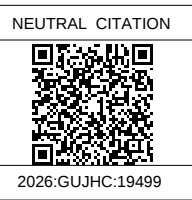
have permitted individuals who are not even from the zone in question to be nominated to the post. For the same reason, the Vice-Presidents who are elected from each of the five zones seem to be merely ornamental without any specific functions.

(e) No representation to players

It is only by accident that players are elected to the Working Committee of the BCCI. Their views are, more often than not, ignored, and the lack of an assured position at the governance table leaves the players gravely hamstrung. With arbitrary contracts and salaries that are dwarfed by those playing for franchises, it is full credit to the national players that they continue with enthusiasm and patriotic fervour to do their best for the country when they have no say in the affairs of the very body towards which they are the primary contributors.

(f) No representation to women

The BCCI has never seen a woman in the Working Committee, and for a body that runs the sport in the country, the BCCI ought to have bestowed greater attention to the women's game. Australia, New Zealand, England and even Pakistan are seen to regularly play the women's game with only governance apathy responsible for the Indian women's team playing few and far between in all forms of the game. Greater support and



promotion is required so that youngsters may also be attracted to it.

(g) No independent voice

The BCCI has not embraced the modern principles of open governance, which is all the more necessary when discharging such far reaching public functions. The Working Committee consists entirely of representatives of the Full Members, thereby making it's functioning a closed-door affair with no representation of players or audit experts to act as checks on governance.

(h) Unlimited terms and tenures

Many individuals occupy various posts in the BCCI for multiple terms and on multiple occasions, without any ceiling limit. There has even been an instance of a former President later becoming the Treasurer.

(i) No disqualifications

There appears to be no ground on which an office bearer has to demit office. No principles of conflict of interest, of age, of conviction by a criminal court or of holding an office under the Government has been laid down to disqualify an office bearer.



Solutions

The governance of the BCCI must be decentralised. No individual is more important than the institution, and so all crucial powers and functions hitherto bestowed exclusively on the President will have to be divided across the governing body, which is to be known as the Apex Council (with a special and separate governing body for IPL, known as IPL Governing Council).

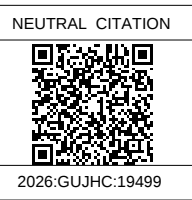
The issue of competence regarding those managing the game has to be addressed by bringing in professional managers and area experts, a theme which is discussed in detail in Chapter three.

As the zonal rotation policy is without any rational basis, and as it has been decided to keep the State as the unit to become a Full Member, it is consistent to have a president who is elected from among the Full Members, so that the best and most competent person is selected. The provision for five Vice-Presidents is detrimental to efficiency and efficacy and so only one Vice-President shall be elected to the Apex Council in the same manner as the Secretary, Joint Secretary and Treasurer.

The Apex Council should have a fair mix of elected representatives and independent members. It is recommended

that it shall be a nine-member body. The five elected Office Bearers of BCCI (President, Vice-President, Secretary, Joint Secretary and Treasurer) shall be the members of the Apex Council. In addition, the Apex Council shall have four other 'Councillors' – two (one male, one female) to be nominated by the Players' Association which is to be formed, one to be elected by the Full Members of BCCI from amongst themselves and one to be nominated by the Comptroller & Auditor General of India. These measures address the following concerns:

- (a) Transparency is brought in, and independent voices are heard in the governance of the BCCI for the first time;*
- (b) The public are the primary stakeholders in the game while its players form its very core. Their involvement through these representatives is most deserving and long awaited.*
- (c) As women are nearly half the population of the country, the anomalous fact that they do not have a voice in the governance of the sport that has a 'billion hearts' beating for it is now rectified.*
- (d) The nominee of the C&AG also brings financial and audit experience which would bring in much required oversight into monitoring the finances of the BCCI.*



(e) It continues to ensure a strong say for the Full Members, as it provides that two-thirds' strength on the Council is made up of their representatives.

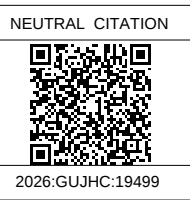
In order to ensure that the posts are not treated as permanent positions of power, each term should be for three years. The total period for which a person can be a member of the Apex Council shall be nine years regardless of the capacity in which such position was or is occupied. However, in order to ensure that there is an appropriate cooling-off period, no person shall be a member of the Apex Council for two consecutive terms. Any elected Councillor shall stand automatically disqualified after nine years as an office bearer, and shall also be disqualified from contesting or holding the post if he has completed the age of 70 years, is charged under the penal law, is declared to be of unsound mind, is a Minister or government servant or holds any post of another sports body in the country. Any nominated Councillor however, would not have more than one term in office. The endeavour in this regard is to filter those who are able and enthusiastic to govern the game that is the national passion.”

[19.5] The Committee, in Chapter VII, has considered the need for Ombudsman, Ethics and Electoral Officer. The Hon'ble



Supreme Court, vide its judgment dated 18th July 2016 reported in **(2016) 8 SCC 535**, in para 24, observed as under:

“24. In Chapter Seven, the Committee has dealt with need for Ombudsman, Ethics and Electoral Officer. The Committee notes that several disputes that exist within the BCCI are born out of years of apathy in governance and gross mismanagement. The Committee has found that the relationship between the Associations, on the one hand, and the BCCI, on the other, has rarely been equitable and balanced, with the latter exercising its hegemony over the former. The Committee has therefore recommended moderation of such relationship in an objective manner. The Committee has referred to the problems of disgruntlement and litigation in the States of Bihar, Rajasthan, Delhi and Jammu and Kashmir. The Committee has found that absence of suitable dispute resolution mechanism has compounded the situation. Even the arbitration system that has hitherto existed has been found to be insufficient and palpably inappropriate when two unequals are pitted against each other, especially with the State associations remaining beholden to the Board for matches, grants and revenues. In order to reduce the judicial role and the burdening of the courts and to expedite dispute resolution, the Committee has recommended the appointment of a retired Judge of the Supreme Court or a former Chief Justice of a High Court as the Ombudsman of the



BCCI, to be appointed once a year at the Annual General Meeting to investigate any complaint received by him/her or suo motu and to resolve any dispute between the Board and any of the above entities or among themselves by following the principles of natural justice, production of evidence and fair hearing. So also the Committee has recommended an Ethics Officer for monitoring adherence to the principles governing avoidance of Conflict of Interest. The Committee has recommended that Ethics Officer shall have powers inter alia of laying down of additional guidelines or bye-laws on ethics, initiation of investigation or adjudicatory proceedings and the award of warnings, fines, reprimands, suspensions or other action as may be recommended to the BCCI. According to the recommendation all non-IPL ethics issues shall be administered and adjudicated by the Ethics Officer who shall be a former Judge of the High Court to be appointed by the Board. Recommendation for appointment of an Electoral Officer for conducting elections of the Committee under the Rules has also been made by the Committee. The Committee has recommended that in order to ensure competence and to distance the entity from any suspicion or bias, a former Election Commissioner for India could be appointed as the Electoral Officer for the BCCI, whose decision on any subject relating to elections shall be final and conclusive.”



[19.6] The Committee, in Chapter X of its report, identified several other areas requiring reform. The issues so identified were elaborated under various heads, namely “Membership and Privileges”, “Post and Tenures”, “Voting”, “Compliance”, “Expenditure and Infrastructure”, “Lack of Professionalism”, “Dual Posts”, “Interference in Selection” and “Transparency”. The Committee further recommended that the electoral process ought to be transparent and independent and, for that purpose, an Electoral Officer being a retired Central Election Commissioner or a retired State Election Commissioner should be appointed. It was suggested that the Electoral Officer would be responsible for conducting and supervising the entire election process, commencing from the filing of nominations up to the declaration of results, including the adjudication of any disputes or objections arising during the course of the election. Rule 33 of the Baroda Cricket Association is a consequence of the said recommendation made by the Committee and accepted by the Hon’ble Supreme Court.



[19.7] The reforms recommended by the Committee were ultimately summarised under the heading “End of the Innings”. The Hon’ble Supreme Court, in sub-paragraphs 3, 4 and 5 of paragraph 35 of its judgment dated 18th July 2016, reported in **(2016) 8 SCC 535**, took note of the relevant reforms recommended by the Committee, which are reproduced as under:

“3. State Associations

“State Associations - Uniformity in Structure”

The Associations that are the Members would necessarily have to restrict the tenures of office bearers and prescribe disqualifications, do away with proxy voting, provide transparency in functioning, be open to scrutiny and audit by the BCCI and include players in membership and management. They would also have to abide by the conflict of interest policy prescribed by the Board, and divorce the Association from the social club, if any.

4. Office Bearer

“Limited Tenures & Cooling Off”

While all the existing office bearers (President, Vice-President,



Secretary, Treasurer and Joint Secretary) are retained in honorary positions, the number of Vice Presidents is pruned from five to one. Their duties have been realigned. The President is shorn of his say in selections. The additional vote for the President at meetings is deleted. The terms of these Office Bearers continue to be of 3 years, but with a maximum of 3 such terms regardless of the post held, with a cooling off period after each such term.

5. Governance

“Governance separated from management”

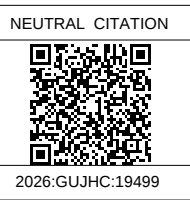
The 14 member Working Committee is replaced by a 9 member Apex Council (with one-third independent members) consisting of the Office Bearers of the BCCI, an elected representative of the General Body, two representatives of the Players Association (one man and one woman) and one nominee from the C&AG’s office. Terms of eligibility and disqualification are specified with a bar on Ministers and government servants.”

[19.8] The Hon’ble Supreme Court considered and accepted the recommendations made by the Committee, which, *inter alia*, proposed a cap on the number of terms for which an Office Bearer could serve and the maximum period for which an



individual could remain a member of the Apex Council. The Hon'ble Supreme Court also examined the recommendation providing for a cooling-off period between two successive terms. While considering the same, the Hon'ble Supreme Court, in paragraph 100 at page 602 of its judgment dated 18th July 2016, reported in **(2016) 8 SCC 535**, observed as under:

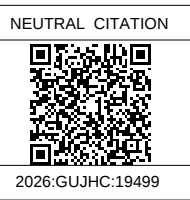
“100. We may, in conclusion, deal with two other recommendations which have also come under criticism by the BCCI and the intervening associations. The first of these recommendations proposes a cap on the number of terms for which an officer bearer can serve and the optimum period for which one can be a member of the apex council. The recommendation also provides for cooling off period between two terms. It also prescribes grounds for disqualification of office bearer which were otherwise absent in the existing rules and regulations of the BCCI. These recommendations come in the wake of a finding by the Committee that under the present dispensation office bearers could continue for any number of terms. It was also noticed that no grounds for disqualifying an office bearers were prescribed. The Committee found both of these to be unacceptable and, in our opinion, rightly so. Given the problems that often arise on account of individuals holding office for any number of consecutive terms, the Committee was



in our opinion, justified in recommending the length of a term in office. A three year term recommended by the Committee is, in our opinion, reasonable. So also, the prescription of cooling off period between two terms cannot be faulted. Similarly, an optimum period of 9 years as a member of the apex council cannot also be termed as unreasonable. Grounds for disqualification like unsoundness of mind, the member becoming a minister or holding a membership in any sporting body also meet the requirement of reasonableness and do not call for interference from the court. The contention that the recommendations have no rationale or that the same are contrary to the provisions of the Tamil Nadu Societies Registration Act deserve notice only to be rejected.”

[19.9] The Hon’ble Supreme Court, in its decision dated 18th July 2016 reported in **(2016) 8 SCC 535**, while accepting the report submitted by the Committee and recommendations made therein, with such modifications and clarifications, given further task to the Committee to oversee the implementation of the decision of the Hon’ble Supreme Court.

[19.10] The Hon’ble Supreme Court, in para 18 at page 344 of its decision dated 2nd January 2017 reported in **(2017) 2 SCC 333**,



accepted the recommendations of the Committee with respect to the disqualification for being an Office Bearer of the BCCI and of the State Associations. The same reads as under:

“18. Among the recommendations of the Committee that have been accepted by this Court are the following disqualifications for being an office bearer of BCCI and of the State Associations :

“A person shall be disqualified from being an Office Bearer if he or she :

(a) is not a citizen of India;

(b) has attained the age of 70 years;

(c) is declared to be insolvent, or of unsound mind;

(d) is a Minister or Government Servant;

(e) holds any office or post in a sports or athletic association or federation apart from cricket;

(f) has been an Office Bearer of the BCCI for a cumulative period of 9 years;

(g) has been charged by a Court of Law for having committed any criminal offence.”



[19.11] It was brought to the notice of the Hon'ble Supreme Court by the Committee, through its report dated 14th November 2016, that several Office Bearers of the BCCI and the State Associations continued to hold their respective posts despite having incurred disqualification in terms of the norms accepted by the Hon'ble Supreme Court. The attention of the Hon'ble Supreme Court was drawn to the fact that individuals having a vested interest in continuing in office, notwithstanding the prescribed norms, had ensured that the writ of the Court was obstructed and impeded. The Hon'ble Supreme Court, in turn, strongly deprecated such conduct and emphasized that the turf of the cricket field cannot be treated as a personal domain or fiefdom. Accordingly, the Hon'ble Supreme Court directed that no person shall thereafter continue to hold, or be entitled to appointment as, an Office Bearer of the BCCI or any State Association in breach of the prescribed norms. The Hon'ble Supreme Court further directed that all existing Office Bearers of the BCCI and the State Associations who did not satisfy the said norms would stand disqualified with effect from the date of the order.



[19.12] Thereafter, the Hon'ble Supreme Court, in its judgment dated 9th August 2018 reported in **(2018) 9 SCC 624**, while considering the recommendations of the Lodha Committee relating to the concept and necessity of a cooling-off period, observed in paragraphs 26 to 38 at page 641 as under:

“C. Cooling Off Period

26. The Lodha Committee recommended that:

26.1 The tenure of each term for office bearers of the BCCI and state associations should be three years;

26.2 A maximum of three terms should be allowed regardless of the post held; and

26.3 There should be a mandatory ‘cooling off period’ after each term.

27. In making these recommendations, the Committee has been guided by the need to ensure that vested interests do not emerge out of the indefinite continuation in office of one or more individuals. These recommendations seek to enforce a rule against self-perpetuation by stipulating the period of each term of office, the number of terms which a single individual may

hold and the requirement of a break between successive terms. The recommendations can be construed as an effort to ensure a dispersal of authority so that control over BCCI and the state associations is not concentrated in the hands of one or a limited group of persons. The proposals for setting limits on tenures and terms were incorporated in a section which the Committee describes as the “end of the innings”.

28. *In the principal judgment of this Court, the recommendations of the Lodha Committee have been accepted for the following reasons:*

“100...These recommendations come in the wake of a finding by the Committee that under the present dispensation office bearers could continue for any number of terms. The Committee found both of these to be unacceptable and in our opinion rightly so.... Given the problems that often arise on account of the individuals holding the office for any number of consecutive terms, the Committee was, in our opinion, justified in recommending the length of a term in office ... The three years recommended by the Committee is, in our opinion, reasonable. Similarly, the prescription of cooling off period between two terms cannot be faulted Similarly, an optimum period of 9 years as a member of the Apex Council cannot be termed as unreasonable.....” (Emphasis supplied).

29. *The recommendations of the Lodha Committee, as adopted by this Court, have been clarified in two orders dated 20 January 2017 and 24 March 2017. The clarification by this*

Court is that when an office bearer who completes nine years in any post in the BCCI is disqualified to become an office bearer of the BCCI again. A similar disqualification attaches to a person who has held any post of an office bearer, in a state association for nine years. For the sake of clarity, what is indicated in the order dated 24 March 2017 reads thus :

“36...What has been meant by the clarificatory order is that, if an office bearer has completed nine years in any post in the B.C.C.I., he shall stand disqualified to become an office bearer of the B.C.C.I. Similarly, if a person holds the post of office bearer in any capacity for any State Association for nine years, he shall stand disqualified for contesting or holding any post or office of the State Association. To avoid any kind of maze, we proceed to state by giving an example. If a person has held the post of office bearer in respect of a State Association for a period of nine years, he will not be disqualified to contest for the post of office bearer of the B.C.C.I.” (Emphasis supplied)

30. A considerable amount of fire has been directed against the provision for a cooling off period. Essentially, the cooling off period stipulates that an office bearer is not eligible to contest a succeeding election. The recommendation has been criticised on the ground that an individual who has acquired experience in working in a particular post for three years is unable to utilise the experience gained (as a result of a cooling off period of three years) which would be a loss to the game of cricket. “Continuity

of service”, it has been submitted, subserves the interest of the game and a person who has “enriched himself” over a period of three years should be allowed to contribute even thereafter without a break. This, it has been submitted, would enable office bearers to develop their networks with other cricketing nations and the ICC. Moreover, since an upper age limit of seventy years is in place, it has been submitted that the requirement of a cooling off period may be dispensed with. The nature of cricket, it has been urged, is rapidly evolving and an endeavour must be made to ensure that individuals with requisite experience are able to contribute to the game.

31. *While dealing with the objections to a cooling off period, it is necessary at the outset to emphasise that the term of an office bearer cannot be regarded either as an opportunity “to enrich himself” or as a matter involving “continuity of service”. The expression “enriched himself” may have a legitimate connotation if it adverts only to experience gained. Otherwise, enrichment in the form of personal aggrandisement is precisely what was frowned upon by the Lodha Committee, and for justifiable reasons. The position of an office bearer in the state associations and in the BCCI is not a matter of ‘service’ in the conventional sense. Office bearers should not construe their position as employees with a vested right to a particular tenure of service. Undoubtedly, the submission that individuals must continue for a period which enables them to develop experience*

in the administration of the game cannot be discounted. Equally, it is a matter of concern that vested interests and conflicts of interest develop around power centres which have unbridled authority. Dispersal of authority is a necessary safeguard to ensure against the perpetuation of power centres. Individuals who administer the game of cricket must realise that the game is perched far above their personal interests. Important as experience in administration is, it is far-fetched to assume – and far more difficult for the court to accept – that experience rests on the shoulders of a closed group of a few individuals. In fact, opportunities to a wide body of talent encourage a dispersal of experience and democratisation of authority.

32. *Understood from the above perspective, the requirements that the term of office of an office bearer should be three years; and that an individual should not hold office in the BCCI for a period excess of nine years (regardless of the post held) with a similar stipulation of nine years for the state associations is manifestly in public interest. Both the stipulations are valuable safeguards to ensure against the concentration of power.*

33. *The requirement of a cooling off period of three years at the end of every term in office, however, requires careful consideration. The argument against the imposition of*

such a requirement is that by requiring an office bearer who has held a post for three years to undergo a break of three years prevents office bearers from applying their knowledge and experience in regard to the administration of the game of cricket. The submission which has urged before the Court is that once there is a cap of a nine year tenure for BCCI, with a similar tenure of nine years for the state associations, an additional cooling off period of three years at the end of every term of office may not be necessary.

34. *The amicus has earnestly supported the cooling off requirement as being necessary, having regard to the spirit of the Lodha Committee recommendations. A cooling off period, it has been urged is necessary to ensure that after a period of three years, a person is not able to migrate to another association and occupy the position of an office bearer or to occupy any other position in the same association. The amicus also submits that the expression 'office bearer' should not be allowed to be circumvented by being a member of any other committee. Subject to these safeguards, the amicus agrees that a person may be able to serve for a period of nine years in the BCCI and nine years in a state association.*

35. *Having carefully evaluated the submissions which have been urged before us, we are of the view that a cooling off period should be observed. A cooling off period has several*



features which are of utmost importance :

(i) it is a safeguard against the development of vested personal interests;

(ii) it ensures against the concentration of power in a few hands;

(iii) it facilitates a dispersal of authority; and

(iv) it encourages the generation of a wider body of experienced administrators.

Cooling off must be accepted as a means to prevent a few individuals from regarding the administration of cricket as a personal turf. The game will be better off without cricketing oligopolies.

36. *However, in our view, it would be appropriate to direct that a cooling off period of three years would apply after an individual holds two successive terms in office either in the BCCI, or in any state association or a combination of the two. For instance, if an office bearer has held office for two consecutive terms in any post in a state association, such an individual must face a cooling off period of three years. Likewise, if an individual has held any post as an office bearer of the BCCI for a total period of six years in succession, the*

individual must have a cooling off period of three years before seeking election again either to the BCCI or to a state association. The cooling off period would apply also in a situation where an individual holds a post for one term in a state association followed by a post in the BCCI successively or vice versa. This would ensure that after a period of six years involving two consecutive terms, a cooling off period would be attracted. Allowing an individual to act as an office bearer for six years in continuation, is a sufficiently long period for experience and knowledge gained to be deployed in the interest of the game without at the same time resulting in a monopoly of power.

37. *The cooling off period shall read as follows :*

“An office bearer who has held any post for two consecutive terms either in a state association or in the BCCI (or a combination of both) shall not be eligible to contest any further election without completing a cooling off period of three years. During the cooling off period, such an office bearer shall not be a member of the governing council or of any committee whatsoever of the BCCI or of a state association.”

The above principle shall govern Clause 6(4) as well as Clause 14(4) of the draft constitution. The above principle will ensure



that the cooling off period will come into operation upon a person holding any post for two consecutive terms not exceeding six years.”

38. We accordingly clarify that the position as approved by the Court in the present order shall be to the following effect:

38.1 The term for all posts of office bearers in BCCI and in state associations shall be three years;

38.2 No person shall hold the position of an office bearer in any state association, regardless of post, for a period in excess of nine years in the aggregate;

38.3 No person shall hold the post of office bearer in BCCI, regardless of post, for a period in excess of nine years in the aggregate;

38.4 There shall be a cooling off period of three years after an individual has held the post of an office bearer for two consecutive terms either in a state association or in the BCCI or a combination of both; and

38.5 The expression ‘office bearer’ should not be permitted to be circumvented by being a member of any other committee or of the Governing Council in BCCI or any state association, as the case may be.”



[19.13] Thus, while accepting the recommendations of the Lodha Committee with regard to the introduction of a cooling-off period, the Hon'ble Supreme Court, in its judgment dated 9th August 2018 reported in (2018) 9 SCC 624, observed that such a provision serves several important purposes, namely: **(i) it acts as a safeguard against the development of vested personal interests; (ii) it prevents the concentration of power in a few hands; (iii) it facilitates the dispersal of authority; and (iv) it encourages the emergence of a wider body of experienced administrators. The Hon'ble Supreme Court further observed that the concept of cooling-off must be accepted as a mechanism to prevent a few individuals from treating the administration of cricket as their personal domain, emphasizing that the sport would be better served in the absence of cricketing oligopolies.**

[19.14] While accepting the report of the Lodha Committee concerning the constitution of the Apex Council and the proposed disqualifications, the Hon'ble Supreme Court, in



paragraphs 39 to 43 of its judgment dated 9th August 2018 reported in (2018) 9 SCC 624, observed as under:

“D. Division of Functions, Professional Management and Disqualifications

39. *The report of the Lodha Committee postulates that the General body of the BCCI would consist of full members and associate members. The report provides for an Apex Council which is responsible for the administration of the Board.*

40. *This functional distinction between the General body and the Apex Council is an institutional safeguard to ensure professional management of BCCI. The Apex Council is entrusted with the function of professional management through the Chief Executive Officer, the Chief Financial Officer and other officers who must be recruited on a transparent and professional basis. Of the nine members of the Apex Council, five (the President, Vice President, Secretary, Joint Secretary, Treasurer and a member) are to be elected by the General body.*

41. *We approve clause 15 (1) in regard to the Apex Council which reads thus:*

“The affairs of BCCI shall be governed by the Apex Council

and its framework of governance shall:

- (i) Enable strategic guidance of the entity;*
- (ii) Ensure efficient monitoring of management;*
- (iii) Ensure the performance of the respective roles, responsibilities and powers of the CEO, Managers, Cricket Committees and Standing Committees except the Governing Council; and*
- (iv) Ensure a distribution and balance of authority so that no single individual has unfettered powers.”*

E. Disqualifications

42. In regard to disqualifications, we accept the clause in the draft constitution as proposed with the incidental modifications as suggested by the amicus. The disqualifications read as follows:

“ Clause 6 (5) - A person shall be disqualified from being an Office Bearer, a member of the Governing Council or any Committee or a representative to the International Cricket Council or any similar organization if he or she:

(a) is not a citizen of India;

(b) has attained the age of 70 years;



(c) is declared to be insolvent, or of unsound mind;

(d) is a Minister or Government Servant or holds a public office;

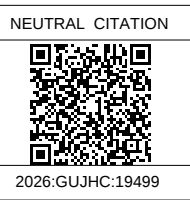
(e) holds any office or post in a sports or athletic association or federation apart from cricket;

(f) has been an Office Bearer of the BCCI for a cumulative period of 9 years or of a State association for a cumulative period of 9 years;

(g) has been charged by a Court of Law for having committed any criminal offence i.e. an order framing charges has been passed by a court of law having competent jurisdiction.”

43. *Clauses 29, 33(1), 33(2) and 45 of the draft constitution with the modifications suggested by the amicus read as follows :*

“Clause 29. INADVERTENT OMISSION TO GIVE NOTICE OF MEETING - Inadvertent omission to give notice of an Annual General or Special General Meeting or Meetings of the Apex Council or of any of the Committees to any member entitled thereto or the non-receipt thereof by such individual shall not invalidate the proceedings of such



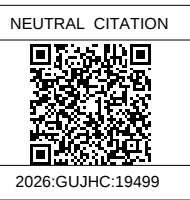
meetings.

Clause 33(1). - 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 member of the Election Commission of India.

Clause 33(2). - The Electoral Officer shall oversee and supervise the entire election process including scrutiny of the electoral rolls for Councillors and the Players' Cricket Association, which shall include all nominations and candidatures being subject to his scrutiny in accordance with the Rules.

Clause 45. - These Rules and Regulations of the BCCI shall not be repealed, added to, amended or altered except when passed and adopted by a 3/4th majority of the members present and entitled to vote at a Special General Meeting of the General Body convened for the purpose or at the Annual General Meeting. Any such amendment will not be given effect to without the leave of the Hon'ble Supreme Court."

[19.15] The Hon'ble Supreme Court further directed that once the draft Constitution, as proposed, stood approved, no amendment thereto shall be given effect to without obtaining prior leave of the



Hon'ble Supreme Court.

[19.16] Thereafter, the Hon'ble Supreme Court considered various suggestions, amendments and modifications in its judgment dated 14th September 2022 passed in I.A. No. 49930 of 2020 in Civil Appeal No. 4235 of 2014. The directions issued by the Hon'ble Supreme Court in the said judgment constitute the basis for the present Memorandum of Association and the Rules and Regulations of the Baroda Cricket Association, which are the outcome of the final order passed by the Hon'ble Supreme Court in I.A. No. 49930 of 2020 in Civil Appeal No. 4235 of 2014.

[20] In the present case, Respondent Nos. 4 to 7 have cumulatively completed nine years on different posts, either as "Office Bearers" / member of the Apex Council / member of the Managing Committee in the Apex Council. The particulars thereof, for the sake of brevity, are reproduced hereunder in a tabular form:

<i>Name</i>	<i>Office Bearer</i>	<i>Member of Managing Committee / Apex Council</i>	<i>Total Years</i>

	No. of Years	Years	No. of Years	Years	
<i>Mr. Kiran S. More</i>	7	<i>2000-01 to 2006-07</i>	2	<i>1998-99 to 1999-2000</i>	9
<i>Mr. Amul V. Jikar</i>	6	<i>2013-14 to 2018-19</i>	8	<i>2005-06 to 2012-13</i>	14
<i>Mr. Anant V. Indulkar</i>	3	<i>2022 to 2025</i>	12	<i>2001-02 to 2012-13</i>	15
<i>Mr. Amar M. Petiwale</i>	3	<i>2016-17 to 2018-19</i>	15	<i>2001-02 to 2004-05; 2007-08 to 2010-11; 2013-14 to 2015-16 and 2019-20 to 2022-23</i>	18

[21] Notwithstanding the aforesaid specific provisions relating to the cooling-off period and the consequent disqualification, Respondent Nos. 4 to 7 submitted nomination forms for various posts as “Office Bearers”. The said nominations were specifically objected to before the Electoral Officer – BCA by way of objections dated 20th January 2026, *inter alia*, on the



ground that the said respondents had completed more than nine years in office either as “Office Bearers” or as members of the Apex Council of the BCA and, therefore, had incurred disqualification under the Rules and Regulations as well as under the various directions issued by the Hon’ble Supreme Court in Civil Appeal No. 4235 of 2014.

Although the Electoral Officer – BCA received the said detailed objections on 22nd January 2026, the Electoral Officer, without adjudicating upon or disposing of the same, proceeded to publish the final list of candidates for the BCA election for the term 2026–2029, which included the names of Respondent Nos. 4 to 7.

● **CONDUCT OF THE ELECTORAL OFFICER:**

[22] At the outset, it is pertinent to note that the post of Electoral Officer was created pursuant to the report submitted by the Justice Lodha Committee and the recommendations made therein, which were subsequently accepted by the Hon’ble Supreme Court. As noted hereinabove, the Committee, in Chapter X of its



report, proposed various measures to ensure transparency and independence in the electoral process and recommended the appointment of an Electoral Officer, preferably a retired Central or State Election Commissioner, for that purpose.

Accordingly, the Electoral Officer was envisaged as an authority responsible for conducting and supervising the entire election process, commencing from the filing of nominations up to the declaration of results, including the resolution of disputes and objections arising in the course of the election. These recommendations having been accepted by the Hon'ble Supreme Court, the office of the Electoral Officer came to be incorporated in the governance framework.

Rule 33 of the Rules and Regulations of the BCA casts a duty upon the Apex Council to appoint an Electoral Officer who shall be a former member of the State Election Commission. Rule 33(2) provides that the Electoral Officer so appointed shall oversee and supervise the entire election process, including the scrutiny of electoral rolls of the Councillors and the players' Cricket



Association, and that all nominations and candidatures shall be subject to his scrutiny in accordance with the Rules. Rule 33(3) further imposes a statutory obligation upon the Electoral Officer to decide any dispute or objection pertaining to nominations and candidatures, and such decision is declared to be final and conclusive.

Thus, statutory duty is cast upon the Electoral Officer to oversee and supervise the entire election process, including adjudication upon objections relating to nominations and candidatures in accordance with the Rules. Therefore, when detailed objections were raised before the Electoral Officer with respect to the nominations of Respondent Nos. 4 to 7, specifically pointing out that they had incurred disqualification and were therefore ineligible to contest the election, their nominations were liable to be rejected.

In such circumstances, it was the bounden duty of the Electoral Officer to decide the disputes and objections relating to the nomination and candidature of Respondent Nos. 4 to 7 and to



communicate such decision after granting an opportunity of hearing to the concerned parties. However, in the present case, by failing to decide the objections and/or disputes raised through the application dated 20th January 2026, the Electoral Officer, who is a former member of the State Election Commission, has failed to discharge the statutory duty cast upon him.

While exercising powers under Rule 33, it was incumbent upon the Electoral Officer to ensure that all nominations and candidatures were in strict conformity with the Rules. The Committee, in its report and recommendations, which were subsequently accepted by the Hon'ble Supreme Court, had envisaged the appointment of a former Election Commissioner as Electoral Officer with the expectation that such authority would discharge his functions independently, fairly, and without fear or favour.

However, in the present case, by failing to adjudicate upon the objections and disputes relating to the nominations and candidatures of Respondent Nos. 4 to 7, the Electoral Officer has



neither acted independently nor fairly, and has failed to adhere to the very object and purpose for which the office of the Electoral Officer was created.

During the course of arguments or rather surprising, submission was advanced by learned Senior Advocate Mr. Shalin Mehta appearing on behalf of the respondent No.3 – Electoral Officer to the effect that as such the Electoral Officer did consider the objections raised with regard to nominations of the Respondents Nos.4 to 7 in light of the Memorandum of Association and the Rules applicable to the BCA. However, the Electoral Officer found that Respondents Nos.4 to 7 had not incurred any disqualification under any of the provisions of Rules. It was submitted, however, the entire exercise undertaken by the Electoral Officer had been kept in a sealed cover and can be produced, if directed.

Such a stand taken by the Electoral Officer not communicating any decision on the objections to the objectors and keeping the same in a sealed cover is as such unknown to the law.



Even the same can be said to be in violation of the principles of natural justice. The decision on the objections as to nomination and candidature is / was required to be communicated to the objectors so that an aggrieved person can challenge the same before the Court having jurisdiction and / or can take recourse to law. In the present case, the objectors / petitioners are neither communicated any decision on their objections nor they are communicated that their objections are considered by the Electoral Officer and / or the same are overruled. Apart from this, even no such decision, if any, on the objections raised by the petitioners, which is said to have been kept in a sealed cover, is forthcoming. No such decision, if any, is placed on record of this Court. Transparency and fairness required at least, at this stage, to place on record a copy of the decision without awaiting any direction from the Court, more particularly, when it is a duty cast upon the Electoral Officer to supervise the entire election and deal with the objections on nomination and candidature of any contestants. It was the bounded duty of the Electoral Officer to deal with the objections raised by the petitioners with reasons and to communicate the same to the



objectors / petitioners. By not doing so, the Electoral Officer has failed to perform its duty fairly and as such it can be said to be in breach of trust reposed by the Hon'ble Supreme Court while directing to create post of Electoral Officer by giving wide powers of supervision right from nomination to declaring the result.

Had the Electoral Officer discharged his statutory duty in accordance with Rule 33 and adjudicated upon the objections independently and fairly, the present litigation could well have been avoided. In the facts and circumstances of the case, the conduct of the Electoral Officer in failing to decide or dispose of the objections relating to the nominations and candidatures of Respondent Nos. 4 to 7 is, therefore, highly deprecated.

● **LEGAL ANALYSIS OF RELEVANT RULES AND REGULATIONS:**

[23] Even on merits, upon a conjoint reading of the relevant Rules and Regulations referred to hereinabove, Respondent Nos. 4 to 7 are found to have incurred disqualification from contesting the



election for the post of “Office Bearer”. It cannot be disputed that, as per Rule 1(c), the “Apex Council” constitutes the principal governing body of the Baroda Cricket Association and is entrusted with the governance of its affairs, as provided under Rule 14.

In terms of Rule 14, there shall be an Apex Council of the BCA, which shall be primarily responsible for the governance and management of the affairs of the Association. At this juncture, it would also be apposite to consider Rule 15, which delineates the powers and functions of the Apex Council. For the sake of brevity, Rule 15 is reproduced hereinbelow:

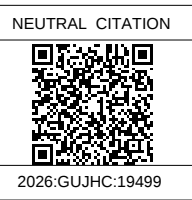
“15. POWER AND FUNCTIONS OF THE APEX COUNCIL

1. The affairs of BCA shall be governed by the Apex Council and its framework of governance shall

i. Enable strategic guidance of the entity:

iii. Ensure efficient monitoring of management;

iv. Ensure the performance of the respective role, responsibilities and powers of the CEO, Managers, Cricket



Committees and Standing Committees, except the Governing Council: and following Elected Committees viz

1. Ground & Infrastructure committee

2. Finance Committee

3. Press Publicity Committee

iv. Ensure a distribution and balance of authority so that no single individual has unfettered powers.

2. The Apex Council shall have all the powers of the General Body and authority and discretion to do all acts and things expect such acts as by these rules are expressly directed or required to be done by the General Body. Exercise of such powers, authorities and discretion shall be subject to the control and regulation of the General Body. NO regulation shall retrospectively invalidate any act of the Apex Council which was otherwise valid.

3. To appoint Electoral officer for BCA

4. To Appoint CEO for BCA

5. To Appoint members of the Cricket Committees, Standing Committees & Governing Council of BCA



6. To appoint the BCA Representative or Representatives on the BCCI and/or similar organizations.

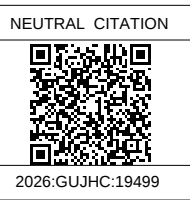
7. The Apex Council shall exercise superintendence over the CEO, the Cricket Committees and the Standing Committees, in the discharge of their duties generally, and in particular, in accordance with any general or special direction of the General Body, except for the Governing Council of the BPL which is directly accountable to the General Body.

8. In addition to and without prejudice to generality of powers conferred directly or by necessary implication under these Rules and regulations and the Memorandum of Association, the Apex Council shall exercise the powers and perform the duties hereafter mentioned:

a. To Control, permit and regulate all aspect regarding the visits of other state cricket teams to BCA and visit of BCA teams to other states & foreign countries and to settle the terms of which such visits shall be conducted.

b. To lay down conditions on which players shall take part in a tour to any other state or foreign country and by which such Players shall be governed, including MOU & terms of payments to such players.

c. To control, expand and regulate the finance of BCA



d. To institute or defend through the Secretary any action or proceedings for or against BCA or against any Office Bearers or employee of the BCA.

e. To mediate in regard to issues between members, failing resolution of which a reference may be made to the Ombudsman.

f. To interact and consult with the Cricket Players Association regarding representation made on their behalf.

g. to purchase, sell and/or mortgage, exchange and/ or otherwise disposed of immovable property wherever situated, in order to promote the object of the BCA.

h. To collect funds and whenever necessary borrow not exceeding 25% of the general fund with or without security for purpose of BCA. And to raise loans with or without security and to purchase, redeem or payoff any such security.

i. To fill up, till the following Annual General Meeting, any vacancy occurring of a member of a Committee by a reason of death or being adjudged insolvent or being of unsound mind or being convicted of a criminal offence



involving moral turpitude or by resignation or any other disqualification.

j. To frame rules and lay down conditions including those of Travels, accommodation and allowance under which the BCA players shall take part in cricket tournaments/matches or exhibition, festival and charity matches organized by BCA or by a Club under the authority of BCA in the course of a visit or tour of a foreign cricket team to Baroda.

k. To frame rule for BCA conducted tournaments of all formats.

l. To frame rules regarding appointment, service conditions and disciplinary actions concerning employees and officers of BCA.

m. To make the Tournament Rule for various domestic tournaments and exhibition matches involving Members, Universities and other entities.

n. To frame, in consultation with the CEO, rules for the appointment of Managers, Secretaries, Administrative officers, Peons and other service personnel and staff and for payment to them and other persons in return for their services rendered to BCA, salaries, wages, gratuities,



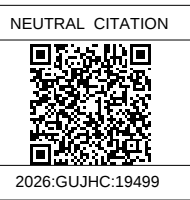
pensions honorariums, compensations, any ex-gratia payment and/or provident fund and to regulate discipline by suspending, fining, removing or dismissing such employees.

9. The Apex Council shall meet at least once in two months at such time and place and shall conduct proceedings in such manner as it may from time to time decide

10. A Special Meeting of the Apex Council may be convened at any time by the President and shall be convened on a requisition to that effect being made in writing by not less than three Councilors. Any such requisition shall express the object of the meeting proposed to be called and shall be sent to the Secretary.

11. Four days' clear notice of the Meeting of the Apex Council together with the Agenda shall be given to the Councilors. For a Special Meeting of the Apex Council convened for the purposes stated in Sub-Rule (5) above, one days clear notice shall be given. An emergent meeting of the Apex Council may be convened with same day notice.

12. Five members of the Apex Council shall form a quorum for its meetings. The president or in his absence a member elected by those present at the meeting shall be the Chairperson. In the event of a tie, the Chairperson shall have a casting vote.

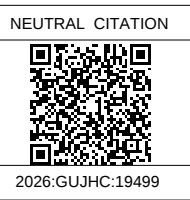


13. A resolution by circulation by all members of the Apex Council shall be as valid and effective as if it had been passed at a meeting of the Apex Council. Such a resolution shall be ratified at the next meeting of the Apex Council.

14. The Secretary shall keep the minutes of every Meeting in a book which shall be signed by the Chairperson when approved.”

[24] Thus, having regard to the powers and functions conferred under Rule 15, the Apex Council plays an important role in the governance of the Baroda Cricket Association. The Apex Council comprises thirteen Councillors, of whom five are elected as “Office Bearers” in accordance with Rule 6, while the remaining eight are elected in terms of Rule 14(2)(a) to (c). Accordingly, the Apex Council consists of Councillors, including the elected “Office Bearers” as provided under Rule 6.

Rule 14(3) prescribes a disqualification provision, whereby a person shall stand disqualified from being a Councillor if he or she has served as an Office Bearer of the BCCI for a cumulative period of nine years or as an Office Bearer of the BCA for a cumulative period of nine years. It is true that the expression “Office Bearer”



denotes the President, Vice-President, Secretary, Joint Secretary and Treasurer. Rule 6(4) further provides for a cooling-off period of three years and stipulates that an “Office Bearer” who has held any post for two consecutive terms shall not be eligible to contest any further election in the BCA without first completing the prescribed cooling-off period of three years. It is further provided that during such cooling-off period, the said Office Bearer shall not be a member of the Governing Council or any committee whatsoever of the BCA. The Rule further clarifies that the expression “Office Bearer” shall not be permitted to be circumvented by serving as a member of any other committee or the Governing Council, as the case may be.

[25] Rule 6(5) also assumes significance as a disqualification provision applicable to an “Office Bearer”. The Rule provides that a person shall stand disqualified from being an Office Bearer, a member of the Apex Council, the Governing Council or any Committee, or from acting as a representative to the BCCI, if he or she has served as an Office Bearer of the BCCI or the BCA for a cumulative period of nine years.



It is also required to be noted that, as per Rule 14(4-A), each elected Councillor shall hold office for a term of three years, subject to a maximum of three terms on the Apex Council. It is further stipulated that a Councillor who has held any post for two consecutive terms in the BCA shall not be eligible to contest any further election in the BCA without completing a cooling-off period of three years. During such cooling-off period, the Councillor shall not be a member of the Governing Council or of any committee whatsoever of the BCA. It is specifically provided that the expression “Councillor” shall not be permitted to be circumvented by serving as a member of any other committee or of the Governing Council of the BCA.

[26] The object and purpose underlying the prescription of the cooling-off period and the disqualification upon completion of a cumulative tenure of nine years have been considered by the Hon’ble Supreme Court. In paragraph 35 of its decision dated 9th August 2018, reported in **(2018) 9 SCC 624**, the Hon’ble Supreme Court observed as under:



“35. *Having carefully evaluated the submissions which have been urged before us, we are of the view that a cooling off period should be observed. A cooling off period has several features which are of utmost importance :*

(i) it is a safeguard against the development of vested personal interests;

(ii) it ensures against the concentration of power in a few hands;

(iii) it facilitates a dispersal of authority; and

(iv) it encourages the generation of a wider body of experienced administrators.

Cooling-off must be accepted as a means to prevent a few individuals from regarding the administration of cricket as a personal turf. The game will be better off without cricketing oligopolies.”

[27] Therefore, on a conjoint reading of Rule 6 and Rule 14, it becomes evident that Respondent Nos. 4 to 7, having served as “Office Bearers” / member of Committee / member of the Apex Council for a cumulative period of nine years, have incurred the



disqualification prescribed under the Rules. The contention advanced on behalf of the contesting respondents that they have not held the post of “Office Bearer” for a cumulative period of nine years, and that the tenure served as members of the Apex Council should not be taken into account while computing the cumulative period of nine years for the purpose of disqualification, cannot be accepted. Such an interpretation would defeat the very object and purpose for which the Hon’ble Supreme Court directed incorporation of the provisions relating to disqualification and the cooling-off period.

The underlying object of prescribing disqualification upon completion of a cumulative period of nine years, coupled with a cooling-off period, is to ensure that no individual continues to exercise control over the administration and management of cricketing bodies for an unduly long period, thereby preventing the development of vested interests. As noted hereinabove, the Apex Council is the principal governing body entrusted with the governance of the affairs of the Association. If the submission advanced on behalf of the respondents were to be accepted, it



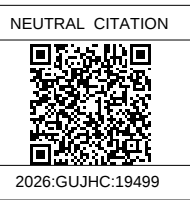
would imply that only the tenure served as an “Office Bearer” for a cumulative period of nine years would attract disqualification, while the tenure served as a “Councillor” would stand excluded. Such an interpretation would enable a person to circumvent the disqualification provisions by serving, for instance, as a “Councillor” for cumulative period of nine years and thereafter, again re-enter in the Apex Council as a “Councillor” under the garb of “Office Bearer” for another nine years, which would effectively result retention of power for total years as 9 + 9 in the Apex Council, which is not permissible.

Such a construction would clearly frustrate the object and purpose underlying the provisions relating to disqualification and the cooling-off period as envisaged by the Hon’ble Supreme Court, and would render the disqualification provisions contained in Rule 6 and Rule 14 nugatory and otiose. As noted hereinabove, Rule 6(4)(ii) expressly stipulates that the expression “Office Bearer” shall not be permitted to be circumvented by serving as a member of any other Committee or the Governing Council of the BCA or the BCCI, as the case may be. Similar language is employed in Rule



14(4-A), which specifically provides that the expression “Councillor” shall not be permitted to be circumvented by becoming a member of any other Committee or of the Governing Council of the BCA. Thus, the Rules clearly contemplate that the provisions relating to disqualification and cooling-off period cannot be circumvented in any manner.

[28] Even otherwise, it is pertinent to note that in Rule 14(2), the expression used is “Councillor”. The Apex Council is required to comprise thirteen “Councillors”, of whom five are to be elected as members in accordance with Rule 6. Rule 14 further stipulates that a person shall be disqualified from being a “Councillor” if he or she has served as an “Office Bearer” of the BCCI for a cumulative period of nine years or as an “Office Bearer” of the BCA for a cumulative period of nine years. Thus, for all practical purposes, the elected “Office Bearers” under Rule 6 are themselves “Councillors”, forming part of the Apex Council, which constitutes the principal governing body entrusted with the administration and governance of the Association.



[29] Therefore, on a conjoint reading of Rules 6 and 14, it necessarily follows that for the purpose of determining disqualification, the entire period served either as an “Office Bearer” or as a member of the Apex Council in the capacity of a “Councillor”, including service as an elected “Office Bearer” and/or as a member of any Committee or Governing Council, must be taken into account while computing the cumulative period of nine years. Any other interpretation would run contrary to the directions issued by the Hon’ble Supreme Court and would undermine the provisions relating to disqualification and the cooling-off period.

Any other interpretation would permit individuals to continue in office / power / administration beyond the permissible cumulative period of nine years by circumventing the provisions of Rules 6 and 14. Accordingly, this Court is of the considered opinion that Respondent Nos. 4 to 7 have incurred disqualification from contesting the election for the post of “Office Bearer”. The Electoral Officer ought to have rejected the nomination forms submitted by Respondent Nos. 4 to 7 and should have proceeded to declare them



disqualified in accordance with law.

[30] In the present case, apart from the fact that the Electoral Officer failed to discharge the statutory duty cast upon him under Rule 33 by not adjudicating upon the objections raised against the nomination and/or candidature of Respondent Nos. 4 to 7, and by not communicating any decision thereon, even on merits the action of the Electoral Officer in accepting the nomination and candidature of Respondent Nos. 4 to 7 and including their names in the final list of candidates is arbitrary, illegal and unsustainable in law.

Such action is clearly contrary to the provisions of the Rules and Regulations framed in accordance with law and in compliance with the directions issued by the Hon'ble Supreme Court in Civil Appeal No. 4235 of 2014. The said action, therefore, deserves to be quashed and set aside. Consequently, the petitioners are entitled to the issuance of a writ of mandamus or a writ in the nature of mandamus, and are entitled to the reliefs prayed for in the present petition.



[31] In view of the foregoing discussion and reasons recorded hereinabove, the present petition deserves to be allowed and is accordingly allowed. It is hereby held that Respondent Nos. 4 to 7 have incurred disqualification from contesting the election for the post of “Office Bearer” of the Baroda Cricket Association scheduled on 15th February 2026 for the term 2026–2029.

Consequently, the action of accepting the nomination forms of Respondent Nos. 4 to 7 for the post of “Office Bearer”, and the publication of their names in the final list of candidates dated 22nd February 2026 by Respondent No. 3 – the Electoral Officer, is hereby quashed and set aside. Consequently, election / voting held on 15th February 2026 qua Respondents Nos.4 to 7 is also hereby quashed and set aside. Necessary consequences shall follow.

Respondent No. 3 – the Electoral Officer is directed to proceed further with the election process and to declare the results of the election in accordance with law and in light of the



observations / findings / directions made hereinabove.

(NIRAL R. MEHTA,J)

FURTHER ORDER

After the pronouncement of the judgment, learned Senior Advocate Mr. Devang Nanavati for private Respondents Nos.4 to 7, prayed for extension of interim arrangement made by this Court vide order dated 18th February 2026 passed in Civil Application No.1 of 2026 in R/Special Civil Application No.1670 of 2026 for a further period of two weeks for enabling the private respondents to approach the higher forum.

As against this, learned Senior Advocate Mr. Apurva Vakil for the petitioners has opposed extension of interim arrangement.

However, in the facts and circumstances of the case so as to enable the Respondents Nos.4 to 7 to approach the higher forum, interim arrangement made by this Court vide order dated 18th February 2026 is hereby further extended for a further period of two weeks from today.

(NIRAL R. MEHTA,J)

CHANDRESH