

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s).4235/2014

BOARD OF CONTROL FOR CRICKET IN INDIA

Appellant(s)

VERSUS

CRICKET ASSOCIATION OF BIHAR & ORS.

Respondent(s)

[IA No. 105962/2018 - INTERVENTION/IMPLEADMENT, IA No. 105965/2018
- RECALLING THE COURTS ORDER]

Date : 05-02-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

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UPON hearing the counsel the Court made the following
O R D E R

IA No.105962/2018 & IA No.105965/2018

1. These applications have been moved by Mr. Anurag Singh Thakur with a prayer to recall the order dated 02.01.2017 passed by this Court in C.A. No.4235/2014 and to pass such further order as it may deem fit and proper in the facts and circumstances of this case.

2. In the order dated 02.01.2017, this Court had issued the following directions:

"25.(i) All the office bearers of BCCI and of its affiliated State Associations who fail to meet the norms recommended by the Committee and accepted by this Court, shall forthwith demit and cease to hold office namely:

"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."

(ii) Shri Anurag Thakur, President of BCCI and Shri Ajay Shirke, Secretary, BCCI shall forthwith cease and desist from being associated with the working of BCCI;

(iii) A notice to show cause shall issue to Mr Anurag Thakur to explain why he should not be proceeded against under the provisions of Section 195 read with Section 340 of the Code of Criminal Procedure, 1973;

(iv) A notice to show cause shall issue to Mr Anurag Thakur to explain why he should not be proceeded with under the Contempt of Courts Act, 1971;

(v) A Committee of administrators shall supervise the administration of BCCI through its Chief Executive Officer;

(vi) This Court shall by a separate order nominate the persons who shall form part of the Committee of administrators. In order to enable the Court to have the benefit of objective assistance in making the nominations, we request Mr Fali S Nariman, learned Senior Counsel and Mr Gopal Subramaniam, the learned Amicus Curiae to assist the Court by suggesting names of persons with integrity and experience in managing a similar enterprise. We request the learned Counsel appearing on behalf of the parties to also place their suggestions before the Court so as to facilitate a considered decision;

(vii) In addition to the function assigned in (v) above, the Committee of administrators shall also ensure that the directions contained in the judgment of this Court dated 18 July 2016 (which accepted the report of the Committee with modifications) are fulfilled and to adopt all necessary and consequential steps for that purpose;

(viii) In view of the directions contained in (ii) above, the senior most Vice-President of BCCI shall perform the duties of the President, BCCI and the Joint Secretary shall perform the duties of Secretary. Those of the office bearers of BCCI who are not disqualified in terms of clause (i) above (other than the President and Secretary) may continue subject to their filing an unconditional undertaking before this Court within four weeks of the date of this order to abide by and implement the directions contained in the judgment dated 18 July 2016. Upon the Committee of administrators as nominated by this Court assuming charge, the existing office bearers shall function subject to the supervision and control of the Committee of administrators. The Committee of administrators would have the power to issue all appropriate directions to facilitate due supervision and control; and

(ix) The remuneration payable to the members of the Committee of Administrators shall be fixed in consultation with the Committee consisting of Mr Justice R M Lodha, Mr Justice Ashok Bhan and Mr Justice R V Raveendran. The role of the Justice R M Lodha Committee shall hereafter be confined to overall policy and direction on such matters as may be referred by this Court.

(x) We would request the learned Senior Counsel and the learned Amicus Curiae to endeavour to submit their suggestions to this Court within two weeks. The proceedings shall be listed before this Court on 19 January 2017 for pronouncement of directions in regard to the names of the administrators."

3. It is apparent from the above reproduced directions that the applicant was President of the Board of Control for Cricket in India (BCCI) at the relevant time and the punitive directions came to be issued on account of the failure of the office bearers of the BCCI and its affiliated State Associations to meet the norms recommended by the Lodha Committee vide order dated 18.07.2016, which were accepted by this Court. These recommendations pertain to sweeping reforms to the BCCI's constitution composition/functioning of the BCCI.

4. Pursuant to direction nos.25 (iii) & (iv), show-cause notices were issued to the applicant - Shri Singh Thakur, to explain as to why he should not be proceeded with under the Contempt of Courts Act, 1971. He submitted his reply affidavit, and on consideration thereof, a three-Judge Bench of this Court passed an order dated 14.07.2017, which reads as follows:

"This Court on 7th July, 2017, had passed the following order:-

"In the course of hearing of these petitions, regard being had to the earlier affidavit filed by the contemnor-respondent, we asked Mr. P.S. Patwalia, learned senior counsel appearing for him, whether he would file an affidavit of absolutely unequivocal and categorical unconditional apology.

Mr. Patwalia has submitted that there was some kind of mis-communication/mis-information and the contemnor-respondent is prepared to

file an unconditional apology, adding the said phrase. He is permitted to do so. Let the affidavit be filed by 12th July, 2017.

Let the matter be listed at 3.00 p.m. on 14th July, 2017. Mr. Patwalia has assured this Court that the contemnor- respondent shall remain personally present in the Court on that day."

In pursuance of the aforesaid order, an affidavit has been filed by the contemnor-respondent. The contemnor-respondent also, as assured by Mr. P.S. Patwalia, learned senior counsel appearing for the contemnor, is personally present in the Court. The contemnor-respondent has also expressed his regret and states that whatever has been stated in the affidavit has come from the core of his heart.

Mr. Gopal Subramaniam, learned Amicus Curiae has submitted that the whole episode can be closed as regards the contemnor-respondent because of the affidavit filed. Mr. P.S. Patwalia, learned senior counsel also submits that there was some kind of mis-information or mis-communication.

Regard being had to the factual scenario in entirety, we drop the proceedings for contempt and also the direction for initiation of the proceedings under Section 340 Cr.P.C. and the notice stands discharged."

5. It may, thus, be seen that direction nos.(iii) and (iv) contained in paragraph 25 of the order dated 02.01.2017 already stood withdrawn.

6. The instant applications, thus, have been filed by Mr. Anurag Singh Thakur in respect of the direction contained in paragraph 25 (ii), whereunder, he was ceased and desisted from being associated with the working of BCCI.

7. Mr. P.S. Patwalia, learned senior counsel for the applicant submits that the ban imposed on the applicant from being associated with the working of BCCI has continued in force for over nine years

and if the same is not lifted, it will cause severe hardships and prejudice to the applicant.

8. Mr. Gopal Sankaranarayanan, learned senior counsel, who is present in Court and has previously assisted this Court as a Secretary to the Lodha Committee has taken us through the previous proceedings and the orders passed by this Court from time to time which culminated into the direction nos.(ii), (iii) and (iv) in paragraph 25 of the order dated 02.01.2017.

9. It may also be mentioned, at this stage, that Mr. Maninder Singh and Mr. Sridhar Potaraju, learned senior counsel, who are jointly assisting this Court as *amicus curiae*, have referred to the recommendations pointing out that since explanation/apology of the applicant has already been accepted by this Court, the observations made in the order dated 02.01.2017 may be expunged in entirety.

10. Upon consideration of the submissions and on perusal of the record, we find it a fit case to apply the doctrine of proportionality, so as to hold that neither this Court intended to impose a lifetime ban nor, in the facts and circumstances of this case, such a severe embargo is otherwise warranted. The applicant has been disengaged from the operations of BCCI for over nine years. He has already submitted an unqualified apology, which this Court has accepted while recalling directions nos. 25(iii) and (iv).

11. Taking all these circumstances into consideration, we deem it appropriate to modify paragraph 25(ii) of the order dated

02.01.2017 to the extent that the applicant (Mr. Anurag Singh Thakur) shall hitherto be free to participate in the affairs of the BCCI as per the rules and regulations.

12. The Interlocutory Applications are, accordingly, disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(MANOJ KUMAR)
COURT MASTER (NSH)